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## **THE USE OF RAPE AS A WEAPON OF WAR IN THE CONFLICT IN DARFUR, SUDAN**

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## 1. EXECUTIVE SUMMARY

Rape as a weapon of war has a long history and only recently has been expressly punished under codified international law. Despite this prohibition, as found in the Fourth Geneva Convention of 1949 and the Additional Protocols of 1977, recent wars have seen ample deployment of this brutal tactic, committed by state as well as non-state actors. Judicial findings from the two *ad hoc* United Nations (UN) war crimes tribunals of the 1990s have provided further formal definition of rape and elaborated legal sanctions against its use in war. Against this background of increasingly developed specification in norms and law, it is disquieting for governments and civil society throughout the world to have to witness the extensive application of rape as a weapon of war in the current ongoing conflict in Darfur, Sudan.

The report that follows has relied on extensive interviews and review of the available published and grey literature to arrive at a qualitative assessment of four issues: the nature of the rapes that have recently and are now occurring in Darfur; the circumstances in which they have taken place; their utility in a war context and in the context of ethnic cleansing or genocide; the impact that these rapes are exacting upon the surviving non-Arab community of Darfur; and possibilities for mitigation and support that are now available to the international community, particularly the U.S. government.<sup>1</sup>

Our findings suggest that the military forces attacking the non-Arab people of Darfur, the *Janjaweed* in collaboration with forces of the Government of Sudan (GOS), have inflicted a massive campaign of rape as a deliberate aspect of their military assault against the lives, livelihoods, and land of this population. The ongoing insecurity in the region and the methodological complexities of conducting a systematic population-based survey at this time make it impossible to arrive at a quantitative estimate of the actual incidence of these attacks or the number that have so far taken place. All evidence gathered to date and marshaled in this report would indicate that the extent of rape against this population has been very great and that the number of survivors now in need of support and assistance is very high.

Based on extensive discussion with informed observers, local interlocutors, and experts from the region, we have advanced a number of observations and recommendations, which are summarized here.

- 1) The highest priority now is to introduce a measure of real protection for the populations now displaced in Darfur and Chad in order to reduce the ongoing risk of rape to women and girls as they move outside camps and villages to find firewood and water. In Darfur, the mandate and size of the AU force must be expanded to allow for robust peacekeeping and the protection of civilians, and the international community must provide the financial and logistical support necessary to accomplish this expansion. In Chad, an international police

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<sup>1</sup> This report does not examine rapes committed by the Sudanese Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM) forces. The report's focus on rapes committed by the *Janjaweed* and GOS military against the non-Arab Darfurians does not imply that these are the only rapes to have taken place in the context of the current conflict. Nor does this report intend to imply that all rapes committed in Darfur during this conflict are part of a deliberate military strategy.

force or professional, local armed forces must be recruited and deployed. Every effort should be made to recruit women to the AU and Chadian forces.

- 2) The next priority is augmenting the provision of basic humanitarian aid – food, water, shelter – to the displaced populations in Darfur, who are in many areas still not adequately supplied, and to some camps still in need in Chad. The survivors of rape are oppressed now by ongoing survival concerns, which must be eased as soon as possible.
- 3) The extent of rape, the estimated increase in pregnancy, and the underlying poor health conditions of the women survivors point to an urgent need to supply an augmented obstetric and gynecological capacity as part of the medical relief program. More so than in many other complex emergencies, this population may well need the medical expertise capable of carrying out caesarian sections and gynecologic repairs.
- 4) Many opportunities exist for providing women in the camps and settlements with short-term activities and employment that will help maintain the family economy and restore a sense of control and competence to rape victims.
- 5) Appropriate support and counseling services should be made available to the displaced populations, compatible with religious and cultural traditions. As rape survivors begin to feel more safe about coming forward for help, there will be a great need for psychosocial services in all settlement areas in Chad and Darfur.
- 6) Abandoned and orphaned children will need care and attention on many levels, from family tracing to support for local adoption.
- 7) Efforts must be maintained and strengthened to trace and reunite separated families.
- 8) Outreach to rape victims must be approached through women leaders in the community and all efforts made to avoid targeting or identifying women who have survived rape as distinct from the general female population in the community. Outreach to men through community and religious leaders should aim to valorize the women who have been raped as casualties of war.
- 9) A reporting system must be established in each camp and settlement area for documenting and reporting instances of rape and sexual assault.
- 10) Any evidence of rape and sexual assault that is gathered should be preserved for future justice efforts, whether they be domestic, regional, or international.
- 11) The U.S. government should continue to pressure the GOS on the need for the perpetrators of sexual violence and other crimes to be brought to justice.

The recommended measures discussed in more detail below will only partially redress the enormous losses and pain inflicted by hostile forces during this war. In its efforts to bring this conflict to an end and help the non-Arab Darfurians return to their homes, the international community must recognize that the survivors of this conflict, including the thousands of women who have been raped, are affected indelibly by their recent terrible experiences. The return to home is a long way

off, given the complexity of the conflict and the political obstacles to its ready resolution. In the interim, implementing the recommendations contained in this report may provide some measure of support and reassurance to the people of Darfur that the outside world does, indeed, care and does, indeed, intend to help them retrieve their future.

## 2. OVERVIEW OF DARFUR CONFLICT

In the current conflict in Darfur, tens of thousands of civilians belonging to the Fur, Masalit and Zaghawa ethnic groups who have lived in the Darfur region of Sudan for generations have been systematically killed, raped, starved, and well over one million displaced as their villages have been destroyed. Although the war has historical roots, the conflict has steadily escalated since early 2003 when rebel groups, the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM), who are largely comprised of Fur, Masalit and Zaghawa people, sought to end their marginalization by demanding power-sharing within the Arab-controlled Sudanese state.

Historically, the Darfur region has been neglected by both the British colonialists and the Arab-controlled governments that have dominated Sudan since independence in 1956. Darfur, which covers a 150,000 square-mile expanse of desert and savannah about the size of France, is home to an estimated 5-6 million people. The geographical remoteness of Darfur, linked to Khartoum by a 700-mile dirt road and non-functioning rail line, further exacerbates the tenuous connection between the capital and its westernmost states. Although the history of internal conflict among the various ethnic groups, characterized by some as Arab versus non-Arab, is politically and socially complex,<sup>2</sup> an underlying tension over resources and access to land has been exacerbated in the last decades as the processes of desertification, progressive drought, and population growth have brought these different groups into increasing competition for increasingly scarce water sources, grazing areas, and arable land.<sup>3</sup>

In April 2003, rebel forces attacked GOS military forces at El Fasher in North Darfur. In a disproportionate response to the rebel insurgency, which had demanded greater political representation in Khartoum, the GOS military forces and its marauding militia known as the *Janjaweed* launched a massive attack on non-Arab villages throughout the region.<sup>4</sup> Throughout 2003 the armed conflict escalated. By spring of 2004, through coordinated land and air attacks, the

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2 Alex de Waal, "Darfur's Deep Grievances Defy All Hopes For an Easy Solution," *The Observer*, July 25, 2004; "Breaking Darfur's Stereotypes," *BBC News*, Oct. 13, 2004.

3 Hugo Slim, "Dithering Over Darfur? A Preliminary Review of the International Response," *International Affairs* 80, no. 5 (2004): 811-33.

4 The International Crisis Group has described the *Janjaweed* as follows:

The term "Janjaweed" has been used for decades to describe bandits who prey on the rural populations through cattle rustling and highway robbery. . . . Building on the tradition of banditry, government security planners gave their new proxy militias the old name for psychological effect. From the start, many of the official Janjaweed were directly recruited by the military and issued identification cards, uniforms and arms. The ranks included convicted felons released from prison, the "Ta'ibeen," as well as fighters from neighbouring countries, primarily Chad. . . . Some members are largely interested in looting and crime, while others are driven by an ethnic supremacist ideology. The government gave both tendencies the green light to engage in the worst behavior imaginable.

International Crisis Group, *Darfur Deadline: A New International Action Plan* (Nairobi/Brussels: International Crisis Group, Aug. 23, 2004): 8. Our use of the term "*Janjaweed*" to describe the perpetrators of the attacks on the non-Arab Darfurians reflects the use of the term by the victims themselves. While we recognize the possibility that some of the perpetrators are not formally part of the *Janjaweed*, we have chosen to follow the common practice and the practice employed by those who have been directly attacked.

burning of homes and crops, the rounding up of livestock, the destruction of wells, granaries, and irrigation works, the uprooting of trees, and the theft of all possessions, the GOS and the *Janjaweed* had managed to displace 1–1.5 million people. In the meantime, the GOS was employing a number of tactics to render it impossible for humanitarian aid to reach those in need in Darfur, including denying visas to humanitarian officials and workers and holding for long periods trucks being shipped by humanitarian groups for aid delivery.

In April 2004, the U.S. government (USG) and the European Union (EU) facilitated a negotiated 45-day ceasefire between the rebel groups and the GOS. The agreement included a commitment from the GOS to disarm the *Janjaweed*. The ceasefire agreement was never honored, and serious violations continued unabated. At the end of the visit to neighboring Chad and Sudan by United Nations (UN) Secretary General Kofi Annan June 30 – July 3, the Secretary General and the GOS issued a Joint Communiqué on July 3, 2004 that acknowledged a commitment from the GOS to improve humanitarian access. As the humanitarian situation further deteriorated and reports of ongoing attacks escalated, on July 30, 2004, members of the UN Security Council adopted Resolution 1556. This resolution, enacted under Chapter VII of the UN Charter,<sup>5</sup> demanded that the GOS fulfill its commitments to disarm the *Janjaweed* and bring its “leaders and associates” to justice within a 30-day period. The resolution stated that, in the event of non-compliance, the UN Security Council would consider further actions and included a reference to Article 41 of the UN Charter, which permits the imposition of sanctions.<sup>6</sup>

By September 1, 2004, reliable reports out of Darfur from UN officials, human rights organizations, government delegations, and the media indicated that the GOS had failed to comply with UN Resolution 1556 and that, in fact, the humanitarian situation had continued to worsen.<sup>7</sup> In an August 25 report, the U.S. Agency for International Development stated, “The [GOS] continues to restrict humanitarian access through bureaucratic obstruction.”<sup>8</sup>

In response to Sudan’s failure to comply fully with the obligations noted in UN Resolution 1556, the UN Security Council adopted another resolution aimed at ending the suffering of the people of Darfur. Resolution 1564, adopted on September 18, 2004, called for the expansion of the African Union (AU) monitoring force and declared that the UN Security Council “shall consider” imposing sanctions under Article 41 of the UN Charter if full compliance is not forthcoming.

Despite these diplomatic efforts, since the onslaught of the scorched earth policy of the GOS, approximately 1.4 million people remain displaced, thousands continue to wander the drought-stricken, barren landscape, while tens of thousands are still trying to find some safety in government-controlled camps in cities and villages throughout Darfur. An additional 200,000 Darfurians have crossed the eastern border of Sudan, seeking refuge in politically and economically

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5 United Nations, Charter of the United Nations (1945), chap. 7, <http://www.un.org/aboutun/charter/>.

6 Ibid., art. 41 (“The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”).

7 Reports of attacks on civilians including the rape of women and girls, the presence of Sudanese camps from which the attacks were staged, harassment of IDPs returning home to insecure villages, no legitimate attempt to bring the *Janjaweed* perpetrators to justice, continued restricted access, and failure to adequately facilitate logistics were just a few examples of insufficient Sudanese compliance with the UN resolution 1556.

8 USAID, *Darfur: Humanitarian Emergency Fact Sheet #20 (FY 2004)* (Aug. 27, 2004).

unstable Chad. A number of international human rights and monitoring organizations and the U.S. Congress and State Department have determined that the pattern of attacks and the impact of the war and atrocities constitute genocide.<sup>9</sup> On October 7, 2004, UN Secretary General Anan established an independent commission charged with the task of determining whether the situation in Darfur constitutes genocide according to the terms of the 1948 Genocide Convention. Its report is due at the beginning of January 2005.

As world attention to this conflict has intensified in the last several months and diplomatic pressure on the GOS has increased, GOS-imposed bureaucratic constraints on humanitarian access have eased. In Darfur itself, however, the utter inhospitableness of the terrain and intermittent obstructions from GOS military and *Janjaweed* have continued to make it very difficult for humanitarian NGOs to move throughout the area or sustain delivery of humanitarian aid to people in need.

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<sup>9</sup> These organizations include Physicians for Human Rights (PHR), the Committee on Conscience of the U.S. Holocaust Memorial Museum, the Coalition for International Justice (CIJ), Refugees International, the U.S. Committee for Refugees (USCR), and the Public International Law & Policy Group. Physicians for Human Rights, *PHR Calls for Intervention to Save Lives in Sudan: Field Team Compiles Indicators of Genocide* (June 23, 2004) 5, [http://www.phrusa.org/research/sudan/pdf/sudan\\_genocide\\_report.pdf](http://www.phrusa.org/research/sudan/pdf/sudan_genocide_report.pdf); U.S. Holocaust Memorial Museum, "Holocaust Museum Declares 'Genocide Emergency' in Sudan," press release, July 26, 2004, <http://www.ushmm.org/conscience/sudan/darfur/index.php?content=main.php#TopWorldNews>; "Powell Classifies Darfur Killings as Genocide," *The Irish Times*, Sept. 10, 2004 (quoting Nina Bang-Jensen, Director of CIJ); ; Kenneth Bacon (Refugees International), "Stop the Genocide in Sudan," *Pittsburgh Post-Gazette*, Aug. 29, 2004; U.S. Committee for Refugees, "USCR Urges President Bush to Condemn Khartoum's Genocide and Act Now to Save Hundreds of Thousands of Lives in Darfur," press release, June 28, 2004; Public International Law & Policy Group, *Genocide in Darfur: A Legal Analysis* (September 2004).

### 3. USE OF RAPE AS A WEAPON OF WAR

#### 3.1. Historical Overview

Rape and war share a common history, as evidenced by co-depictions in myth and religious, literary, and artistic references across cultures and times.<sup>10</sup> While sanctions against wartime rape were outlined in even the oldest texts, only within the last sixty years has rape in war become expressly punishable under codified international law. Many of the atrocities committed during World War II provided a springboard for the development of today’s major human rights documents. While incidences of rape have been documented against all parties in this war, some of the most shocking accounts come from the Japanese “Rape of Nanking” and Russian brutalities against German civilians at the fall of Berlin.<sup>11</sup> In both cases, women in the occupied cities were not only systematically and brutally raped, often in front of family, but they were also physically scarred and mutilated. In addition to the brutality, the scale of rape is shocking – an estimated 20,000 women were raped in just the first month of the occupation of Nanking.<sup>12</sup>

Despite increased penalization and codification, however, incidences of mass sexual violence have been routinely documented even in most recent conflicts, as is demonstrated in examples cited in Table 1.

Afghanistan	Burma	East Timor	Kuwait	Pakistan	Turkey
Algeria	Cambodia	El Salvador	Kosovo	Rwanda	Uganda
Argentina	Chechnya	Guatemala	Liberia	Serbia	Vietnam
Bangladesh	Congo (Zaire)	Haiti	Mozambique	Sierra Leone	Zimbabwe
Bosnia	Croatia	India	Nicaragua	Somalia	
Brazil	Cyprus	Indonesia	Peru	Sudan	

Contemporary armed conflicts in Africa, Eastern Europe, Asia and Latin America have seen systematic sexual violence rise to an unprecedented level. Despite known issues of underreporting and sampling in assessing incidence of gender violence, the reports summarized in Table 2 provide an indication of the extent to which rape has been used in recent wars.

10 Kevin Gerard Neill, “Duty, Honor, Rape: Sexual Assault Against Women During War,” *Journal of International Women’s Studies* 2 (2000): 2.

11 Neill, “Duty, Honor, Rape,” 9; Beevor, *The Fall of Berlin*, 409-12; Iris Chang, *The Rape of Nanking: The Forgotten Holocaust of World War II* (New York: Basic Books, 1997).

12 Neill, “Duty, Honor, Rape,” 4.

13 Jonathan Gottschall, “Explaining Wartime Rape,” *Journal of Sex Research* 41, no. 2 (May 2004): 130.

**TABLE 2: PREVALENCE OF RAPE IN RECENT CONFLICTS<sup>14</sup>**

<b>Uganda</b> (1980-1986)	<ul style="list-style-type: none"> <li>70% of women in the Luwero District reported being raped by soldiers.<sup>15</sup> A large proportion of the survivors were assaulted by as many as 10 soldiers in a single episode of gang rape.<sup>16</sup></li> </ul>
<b>Liberia</b> (1989-1994)	<ul style="list-style-type: none"> <li>15% of women interviewed reported being the victim of rape, attempted rape or sexual coercion.<sup>17</sup></li> <li>A World Health Organization study found 33% of women reported rapes. More than one attacker was present in over half of the incidents, and weapons were used in the great majority (90%).<sup>18</sup></li> </ul>
<b>Rwanda</b> (1994)	<ul style="list-style-type: none"> <li>Overall estimates on the number of rapes range from 15,700 (Rwandan Government) to 500,000 (UN Special Representative).<sup>19</sup> These rapes were committed in less than 100 days.</li> <li>In April 2004, a local organization, Widows of the Genocide, polled and tested 1,200 of its 25,000 members and found that 80% had been raped and 66% were HIV-positive.<sup>20</sup></li> </ul>
<b>Sierra Leone</b> (1991-1999)	<ul style="list-style-type: none"> <li>In a Physicians for Human Rights (PHR) survey, 13% of households reported some form of war-related sexual violence. The prevalence rate during the ten-year civil war was equal to the lifetime prevalence of non war-related sexual violence among the study participants.<sup>21</sup></li> <li>53% of respondents in the PHR study who had “face to face” contact with the rebel forces experienced some form of sexual violence. 33% of the rape victims were gang raped.<sup>22</sup></li> </ul>
<b>D. R. Congo</b> (1998-2003)	<ul style="list-style-type: none"> <li>Human Rights Watch estimates that as many as 33% of the women in the country were raped, including up to 80% in any given community.<sup>23</sup></li> <li>The International Rescue Committee (IRC) estimates that for every rape reported, 30 are not.<sup>24</sup></li> </ul>
<b>Bosnia</b> (1992-1995)	<ul style="list-style-type: none"> <li>While the figures are in dispute, it is estimated that between 20,000<sup>25</sup> and 50,000<sup>26</sup> women were raped, most of them Muslims.</li> <li>NGOs have alleged that more than 35,000 women and children were held in Serb-run rape/death camps, where women 10-30 years of age were raped daily by 40-50 men.<sup>27</sup></li> </ul>
<b>Kosovo</b> (1999)	<ul style="list-style-type: none"> <li>In some villages in Kosovo, 30-50% of women of child-bearing age were raped by Serbian forces.<sup>28</sup></li> </ul>

14 Reprinted in part from Sasha Chriss, “Understanding and Responding to War-Related Sexual Violence: Application of the Human Security Framework towards the Development of Psychosocial Interventions in War-Affected Communities” (master’s thesis, Harvard School of Public Health; 2004): 6.

15 Joan E. Giller, Patrick J. Bracken, and Stella Kabaganda, “Uganda: War, Women and Rape,” *Lancet* 337 (1991): 604; Shana Swiss and Joan E. Giller, “Rape as a Crime of War: A Medical Perspective,” *JAMA* 270, no. 5 (1993): 613.

16 Ibid.

17 Shana Swiss et al., “Violence Against Women During the Liberian Civil Conflict,” *JAMA* 279 (1998):625-29.

18 Kenneth L. Cain, “The Rape of Dinah: Human Rights, Civil War in Liberia, and Evil Triumphant,” *Human Rights Quarterly* 21, no. 2 (1999); UNAIDS, *AIDS Epidemic Update* (Geneva: UNAIDS and WHO, 1998).

19 Chriss, “Understanding and Responding to War-Related Sexual Violence,” 6.

20 “Rwanda: HIV-Positive Genocide Widows Seek US Help,” UN Integrated Regional Information Network (IRIN), April 6, 2004.

21 Physicians for Human Rights, “Physicians for Human Rights Study Documents High Rate of Sexual Violence in Sierra Leone; Special Court Must Hold Perpetrators Accountable for Abuses,” press release, Jan. 23, 2002.

22 Ibid.

23 Human Rights Watch, *Congo: A Continuing Human Rights Disaster* (2003).

24 Chriss, “Understanding and Responding to War-Related Sexual Violence,” 6.

25 Marlise Simons, “Landmark Bosnia Rape Trial: A Legal Morass,” *New York Times*, July 29, 1998; Nancy Farwell, “War Rape: New Conceptualizations and Responses,” *AFFILLA* 19, no. 4 (Winter 2004): 391-92.

26 Jeanne Ward, *If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced, and Post-Conflict Settings: A Global Overview* (The Reproductive Health for Refugees Consortium, April 2002), 81. The report refers to a Bosnian government report citing evidence of the rape of at least 13,000 women and girls and hypothesizing that the actual number was closer to 50,000.

27 Women War and Peace, “The Impact of the Conflict on Women in Bosnia-Herzegovina,”

<http://www.womenwarpeace.org/bosnia/bosnia.htm>.

28 Amnesty International, “Kosovo: Incidents of Multiple Rape,” news release, May 27, 1999; Martina Vandenberg, *Kosovo: Rape as a Weapon of “Ethnic Cleansing”* (Human Rights Watch, 2000), 9.

## 3.2. Military Utility of Rape as a Weapon of War

Against long-standing norms deeming sexual violence an unjustifiable and unacceptable tool of combat, rape has consistently been deployed as a weapon of war.

### 3.2.1. The Strategic Use of Rape

Several lines of argument suggest ways in which rape might be seen to serve a useful function in war. Death, even violent death in war, is a known entity in all societies and has acquired traditional patterns of social acknowledgment and psychic integration. In all societies, however, rape, even in individual domestic settings, has no tradition of acknowledgment, no pathway to integration. Rape in the context of war serves to create fear, shame and demoralization among many others in addition to the individual who has been directly assaulted. Communities threatened by mass rape in war may well be more likely to choose flight in advance of the enemy attack and may delay return to captured areas.

Further, if a war aim is to take territory and resources and prevent the return of the target population, systematic rape can be seen as a potentially effective means to sap the capacity of groups and societies to reconstitute themselves and organize a sustained return.

In extreme circumstances, mass rape has been used to further an agenda of cultural and ethnic destruction, by polluting blood lines and preying upon deeply-instilled prejudices about victims of rape to weaken marital and communal relations. The poisonous power of rape to drain capacity for explanation or re-organization of self and community makes it a uniquely effective tool for undermining the social order. When the war aims include the ethnic cleansing or annihilation of a particular identified group, systematic rape could arguably be deployed to manipulate norms of honor, chastity, virginity, femininity, masculinity, loyalty, marriage, and kinship, and insert an emanating set of experiences and memories that destroy group bonds through time. “Raped women become pregnant by the enemy, they may suffer grievous physical and psychological injuries, they may die, they may be abandoned or disavowed by shamed families and husbands, all of which degrade the ability of a culture to replenish itself through sexual reproduction.”<sup>29</sup> This phenomenon and intent was evident in the conflicts in the former Yugoslavia, where reports indicate that Muslim women in Bosnia were forcibly impregnated and held in rape camps until they were too far into their pregnancies to abort the “ethnically-cleansed” child.<sup>30</sup>

A tolerance of rape within an armed force or group can also be used by the commanders as a strategy to encourage aggression and accelerate brutality in attacks of their troops against the enemy. It should be noted, however, that the actual strategic utility of rape in conflicts between established formal forces remains unclear. In these conflicts, where absolute destruction of the enemy civilian way of life is not the end goal and where some sense remains of the need to conduct hostilities in a matter designed to “win hearts and minds,” rape may have little, if any, utility. In these settings, in fact, the use of rape is balanced against the likelihood that widespread rape will render troops unruly. Furthermore, widespread rape by one side in a conflict can galvanize the other side’s resistance.<sup>31</sup>

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29 Gottschall, “Explaining Wartime Rape,” 131.

30 Human Rights Watch, *War Crimes In Bosnia-Herzegovina* (April 1993), 2: 215; Neill, “Duty, Honor, Rape,” 6.

31 Gottschall, “Explaining Wartime Rape,” 132.

Rape has arguably served a strategic purpose in more recent, highly communalized wars, where the division between civilian and combatant has collapsed and widespread hatred of an ethnic group has been allowed to prevail. Here rape becomes a pervasive tool of war as a reflection of one side's dehumanization of the other and as a means of exterminating an entire ethnic or racial group.<sup>32</sup>

### 3.2.2. Other Uses of Rape in Conflict

Other explanations of the use of rape in conflict include the following:

*Rape as a reward or spoil of war.* The conquering of kingdoms has long been associated with the conquering of women, as reflected in mythology (e.g., the rape of the Sabine women), the Bible and other religious works, and historical texts. In this mode, military commanders believe that rape "after a battle [is] a well-deserved reward, a chance to release tensions and relax,"<sup>33</sup> and an encouragement for further success.

*Rape as a boost to morale.* Rape is also used as a means of providing troops with access to sexual relations in order to improve troop morale. An example of this strategy is the enslavement of approximately 200,000 mostly Korean and Taiwanese women by the Japanese military for use as "comfort women" by Japanese troops during World War II.<sup>34</sup>

*Rape as punishment.* Isolated instances of military atrocities committed against civilians, involving civilian massacres or rapes or both, have been reported throughout the history of war. Explanations vary with circumstances but key themes appear to be the underlying brutality of the battle, chronic dehumanization of the enemy, and failures of command to contain feelings of acute rage and hatred.<sup>35</sup>

*Rape reports to incite revenge.* Reports of rape and abuse inflicted by enemy soldiers upon one's countrywomen can be used to encourage aggression as revenge. This tactic proved particularly successful in instances documented during World War II, when Russian troops were informed of massacres against "their" women by German troops.<sup>36</sup>

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32 Mary Kaldor, "Bosnia-Herzegovina: A Case Study of a New War," in *New & Old Wars: Organized Violence in a Global Era* (Stanford, California: Stanford University Press, 1999), 31-68.

33 Kelly D. Askin, "Prosecuting Wartime Rape and Other Gender-Related Crimes under International Law: Extraordinary Advances, Enduring Obstacles," *Berkeley Journal of International Law* 21 (2003): 298.

34 The women and girls were taken from Japan's colonies. They primarily came from Korea and Taiwan, but also from China, Malaysia, Indonesia, and the Philippines. This strategy was also implemented to keep the Japanese soldiers from raping local women, as the rapes were viewed as causing strategic problems by arousing resistance and vengeance among the local people. Askin, "Prosecuting Wartime Rape," 132.

35 Jonathan Shay, *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (New York: Atheneum, 1994); Herbert C. Kelman and V. Lee Hamilton, *Crimes of Obedience* (New Haven, CT: Yale University Press, 1989).

Rape as punishment in war has also been used in a targeted mode, as a form of torture, against individual women who have been politically active or are perceived as sympathizing with the enemy. Dorothy Q. Thomas and Regan E. Ralph, "Rape in War: Challenging the Tradition of Impunity," SAIS Review, Winter-Spring 1994, 82-99, available at <http://www.hrw.org/women/docs/rapeinwar.htm>.

36 Neill, "Duty, Honor, Rape," 3.

Apart from the uses of rape in conflict, there is an entire body of scholarship on the actual reasons behind the practice of rape in conflict. These include the feminist theory, the cultural pathology theory, the biological determinism theory, and the biosocial theory. Gottschall, "Explaining Wartime Rape," 129-36.

These putative rationales or explanations as to why rape may have found some use as a military strategy or tactic in war do not reflect the sense of horror, pain, and outrage that rape has always evoked from the targeted civilian population. Nor do they convey the growing international consensus across centuries that this practice is truly an intolerable atrocity.

### 3.3. Codification as a Crime Under International Law

Despite increased acknowledgment of wartime sexual violence, such atrocities continue in conflicts throughout the globe. In recent years, however, the delineation of rape and other forms of sexual violence as gross violations of human rights has begun to take shape. This century-long shift from tacit tolerance to outright prohibition culminated in the *Akayesu* decision (discussed below) of the International Criminal Tribunal for Rwanda (ICTR), which marked the first time that rape was found to constitute an instrument of genocide.

One of the first official prohibitions of rape in war was contained in the 1863 Lieber Code, which addressed rules of engagement for soldiers and their commanders in the U.S. Civil War.<sup>37</sup> The Lieber Code expressly prohibited the rape or other abuse of women in occupied territories under penalty of death.<sup>38</sup> This prohibition of sexual violence was carried over into the Hague Conventions of 1907.<sup>39</sup>

Although the phrase “crimes against humanity” was coined in 1907, the crimes falling within its scope were left largely unspecified until the 1945 charters of the International Military Tribunals for Germany and Japan defined such crimes as “murder, extermination, enslavement, deportation, *or other inhumane acts committed against any civilian population.*”<sup>40</sup> The Tribunal charters were left deliberately vague to permit the evolution of the term and inclusion of a wide range of violations. Shortly after the signing of the Nuremberg Charter in August 1945, the Allied Control Council established Law No.10 (December 1945), which specifically extended the definition of “crime against humanity” to include rape. Yet despite this revision and in the face of substantial evidence submitted of mass rape by soldiers during World War II, the Nuremberg Tribunal did not produce convictions for sex- or gender-based crimes *per se*.<sup>41</sup> The Tokyo trials did result in the convictions of three individuals for crimes of rape, among other actions defined as war crimes.<sup>42</sup>

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37 *Instructions for the Government of the United States in the Field by Order of the Secretary of War* (Washington, DC, Apr. 24, 1863); *Rules of Land Warfare*, War Dept. Doc. No. 467, Office of the Chief of Staff (G.P.O. 1917) (approved Apr. 25, 1914).

38 Frances T. Pilch, *Rape as Genocide: The Legal Response to Sexual Violence* (Published online by the Center for Global Security and Democracy, Columbia University International Affairs On-Line, 2002), 5; Askin, “Prosecuting Wartime Rape,” 299. The official name of the Lieber Code, drafted by Francis Lieber, was “Instructions for the Government of Armies of the United States in the Field.” The Lieber Code was the cornerstone for many subsequent war codes.

39 Askin, “Prosecuting Wartime Rape,” 299-300.

40 “Charter of the International Military Tribunal, Annexed to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis,” Aug. 8, 1945, United States Statutes at Large 279 (1945): 1544, art. 6(c); “Charter of the International Military Tribunal for the Far East,” Jan. 19, 1946, art. 5(c), contained in “Special Proclamation by the Supreme Commander for the Allied Powers at Tokyo,” Jan. 19, 1946, *Treaties and Other International Acts Series* 1589.

41 Askin, “Prosecuting Wartime Rape,” 301.

42 *Ibid.*, 302.

The many other trials of war criminals that took place during the immediate post-war period also largely ignored issues of sexual violence, despite the extensive documentation of these crimes.<sup>43</sup> It required the adoption of the Fourth Geneva Convention in 1949, which called for the special protection of women “against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”<sup>44</sup> to enshrine this prohibition in international humanitarian law. Similar provisions were included in the First and Second Additional Protocols to the Geneva Conventions, which apply to international and non-international armed conflicts, respectively.<sup>45</sup>

International outrage at the atrocities committed during World War II culminated in the creation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.<sup>46</sup> The Convention describes genocide as acts “committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group” by actions including, but not limited to, “causing serious bodily or mental harm to members of the group” and “imposing measures intended to prevent births within the group.” The Convention also extended responsibility for acts of genocide to those who conspired to commit, were complicit in, or deliberately incited genocidal behaviors. Since the signing of the Genocide Convention, there has been substantial debate about the appropriate application of the phrases “serious bodily or mental harm” and “intended to prevent births” to issues of gender violence observed during times of conflict and war.

Large-scale genocidal behavior, including massive rapes and gender violence, in the former Yugoslavia and Rwanda in the early and mid-1990s has led to the expansion of protections against systematic wartime rape under international law. Partly in response to the immense scale of wartime rape and to the growing evidence of the strategic use of sexual violence in ethnic cleansing, the United Nations established the International Criminal Tribunals for the Former Yugoslavia (ICTY) and then the ICTR. Since their creation in the mid-1990s, the tribunals have produced landmark convictions for genocide, crimes against humanity, and torture based on rape and other acts of sexual violence. The *ad hoc* tribunals have also articulated precedent-setting definitions of rape and sexual violence under international law.

Reports from the conflicts in Rwanda and the former Yugoslavia indicate that rape not only served as a “reward” to soldiers, but was also used as an “instrument of terror” and to “impregnate,...destroy or dilute culture,...torture,...and dehumanize” women.<sup>47</sup> Similarly, evidence amassed in the course of investigations into war crimes in Yugoslavia denoted patterns of abuse

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43 Ibid., 300-01.

44 “Geneva Convention Relative to the Protection of Civilian Persons in Time of War,” August 12, 1949, United States Treaties and Other International Agreements 6: 3516, article 27.

45 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, June 18, 1977, 1125 United Nations Treaty Series 3 (entered into force Dec. 7, 1978), art. 76.1 (“Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.”); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, June 8, 1977, 1125 United Nations Treaty Series 609 (entered into force Dec. 7, 1978), art. 4(2)(e) (prohibiting “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault”).

46 “Convention on the Prevention and Punishment of the Crime of Genocide,” December 9, 1948, United Nations Treaty Series 78: 277,

<http://www.icrc.org/ihl.nsf/52d68d14de6160e0c12563da005fdb1b/a2ec826e5d083098c125641e0040690d?OpenDocument>.

47 Pilch, *Rape as Genocide*, 12.

designed to further the goal of ethnic cleansing, including but not limited to forcible impregnation, public rapes, and rape in conjunction with mutilations.

In the *Akayesu* case, the ICTR took the unprecedented step of holding that systematic rape committed with the intent to destroy a particular group fit within the statutory definition of “genocide.”<sup>48</sup> The tribunal’s decision regarding the genocide claim was based in part on evidence that the defendant, a communal leader, had, in the course of a genocidal campaign against the Tutsi population, witnessed and encouraged rapes and the sexual mutilation of Tutsi women. The tribunal also found that the defendant’s witnessing and encouragement of rapes of Tutsi women that were systematic and carried out on a massive scale as part of a widespread and systematic attack directed against civilians constituted crimes against humanity.<sup>49</sup> In a non-material and non-binding discussion, the tribunal also suggested that forced pregnancy could constitute genocide if a rapist deliberately impregnated his victim with the intent to force her to give birth to a child who would not be viewed as belonging to the mother’s group due to patrilineal social conventions.<sup>50</sup>

ICTY jurisprudence includes the following key decisions regarding sexual violence:

- Radovan Karadzic, who served as President of the three-member Presidency of the Serbian Republic, and Ratko Mladic, a General of the Serbian forces, were indicted on charges that included genocide based on command responsibility for rape and sexual violence.<sup>51</sup>
- The ICTY convicted leading figures in the atrocities at the notorious Celebici concentration camp of rape under the Torture Convention, the first conviction of its kind. The judges wrote that sexual violence “strikes at the very core of human dignity and physical integrity.” The trial chamber noted that the discrimination element of the crime of torture is satisfied when such violence is committed against a woman because she is a woman (i.e., not merely because of her ethnicity).<sup>52</sup> Importantly, the evidence presented of sexual violence included sexual violence against male detainees.<sup>53</sup>
- In the *Furundzija* case, the accused had participated in the interrogation of a Bosnian Muslim woman, during which he verbally interrogated her while another accused (who was not on trial because he was not in the tribunal’s custody) raped her and threatened her with sexual mutilation. Finding that the intent to humiliate is one of the purposes of torture, the ICTY convicted the accused of individual responsibility for sexual violence as a co-perpetrator of torture, among other crimes.<sup>54</sup> This decision is noteworthy in its finding that the participation in the rape of one woman during one day of conflict by a non-physical perpetrator constitutes a violation of international humanitarian law.<sup>55</sup>

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48 International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu: Judgment* (September 2, 1998), ICTR-96-4-T, para. 688 and 731.

49 Ibid., para. 688 and 695.

50 Human Rights Watch, *Kosovo Backgrounder: Sexual Violence as International Crime* (May 10, 1999).

51 International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Radovan Karadzic: Judgment* (April 28, 2000), para. 17b; International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Ratko Mladic: Indictment* (Oct. 10, 2002), IT-95-5/18-I, paras. 25a and 34b.

52 International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Delalic: Judgment* (Nov. 16, 1999), IT-96-21-T.

53 Askin, “Prosecuting Wartime Rape,” 321-22.

54 International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Furundzija: Judgment* (Dec. 10, 1998), IT-95-17/1-T, para. 185.

55 Askin, “Prosecuting Wartime Rape,” 327-29.

- In the *Kumarac* case, the ICTY broke new ground on the crime of sexual slavery, although it did not refer to the conduct as such. The tribunal convicted an accused of rape and enslavement as crimes against humanity for holding victims in facilities and repeatedly raping them over a period of days, weeks, or months. This was the first conviction by the ICTY of rape as a crime against humanity.<sup>56</sup>

Gender violence – including rape, enforced prostitution, sexual slavery, forced pregnancy, enforced sterilization, and sex trafficking – has been further codified as a crime in international law through inclusion in the Rome Statute of the International Criminal Court as both a crime against humanity and a war crime.<sup>57</sup>

Along with the strides made in recent years in bringing perpetrators of sexual violence to justice in international courts, there have been continuing challenges as well. These include issues of witness protection, exploitation of victims in the media, under-reporting by survivors due to fear of coming forward, predominance of male interviewers and prosecutors, further traumatization of victims, exclusive focus on the “big fish” perpetrators, and lack of vigorous prosecution of rape cases.<sup>58</sup>

The definition and prosecution of wartime rape will continue to evolve as reports of systematic sexual violence again emerge from conflicts such as the present one now unfolding in Darfur.

#### **4. USE OF RAPE AS A WEAPON OF WAR IN THE DARFUR CONFLICT**

Information contained in this section is drawn from a wide variety of sources, including reports of interviews with refugees from Darfur in Chad; direct telephone interviews with IDPs in Darfur, including rape victims; direct personal conversations with Darfurians working with local NGOs focused on rape victims; direct telephone interviews with a wide range of humanitarian relief workers operating in Darfur and Chad; direct telephone interviews with relief workers and agency personnel who have returned from the area; formal reports from governmental organizations and NGOs focused on human rights, humanitarian relief, and IDP/refugee issues; and interviews with area experts in Europe and the United States. Although this report is intended and designed to be a desk study only, the interviews were conducted in an effort to inform the report as much as possible with what could be learned about the realities on the ground.

It must be noted that prevailing security conditions make it impossible to conduct population-based surveys within Darfur at this time. In the future, whenever the situation permits, it will be necessary to amplify our current understanding of the extent and nature of rape in the Darfur conflict with extensive first-person testimony from rape survivors as well as statistically reliable estimates of the incidence of rape. Concern about security necessitated that nearly all conversations and interviews be conducted “off the record” and not for attribution. Further protections were taken to protect the safety of individual IDPs.

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56 Askin, “Prosecuting Wartime Rape,” 333-41.

57 “Rome Statute of the International Criminal Court,” entered into force July 1, 2002, U.N. Document A/CONF.183.9 (1998).

58 Human Rights Watch, *Struggling to Survive: Barriers to Justice for Rape Victims in Rwanda* (Sept. 2004), 9 and 18; Askin, “Prosecuting Wartime Rape,” 317.

#### 4.1. Circumstances Under Which Rape Occurs

The rapes reported to have taken place in the conflict in Darfur have most often occurred in the context of attacks on non-Arab villages by the *Janjaweed*, often with the assistance of the Sudanese military. These settings predominate in the first-person and eyewitness accounts:

- 1) In the days leading up to the *Janjaweed* attack, when the *Janjaweed* forces surrounded the village and then attacked girls and women who left the village to gather firewood or water;
- 2) During the full attack on the village, when the *Janjaweed* forces either went house to house, killing the boys and men and raping the girls and women, or rounded up everyone, bringing them to a central location, where the forces then killed the boys and men and raped the girls and women; and
- 3) In pursuit of women and girls as they fled the scene of attack and sought safety in the mountains, in a nearby village or town, an IDP camp, or across the border into Chad.<sup>59</sup>

As word spread through Darfur about the *Janjaweed* attacks, the women and primarily the men would flee the village at the first warning signs of an imminent attack. As the PHR report indicates, the men would attempt to escape “what they perceived to be the certain fate of death. The men left women and children to fend for themselves, knowing, as they reported in interviews with PHR, that the women would likely be raped, but probably would not be killed.”<sup>60</sup>

There have also been a number of rapes of Darfurian girls and women by *Janjaweed* forces once the girls and women have sought the safety of a camp for IDPs in Darfur or a camp for refugees in Chad. With shortages of food, water, and firewood in these camps, young girls and women must leave the group setting to forage in the surrounding countryside, at which time they are often raped by *Janjaweed* forces, GOS security forces (comprised, in part, of former *Janjaweed* forces), and those tasked with their protection at the refugee camps in Chad.<sup>61</sup> In fact, the perpetrators are, in some instances, those who have been given official responsibility for the protection of the IDPs and refugees. Although the ongoing threat of rape is well understood, in a desperate calculus forced upon many Darfurian families, the females must take on this risk associated with the need to acquire

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59 PHR, *PHR Calls for Intervention*.

60 Ibid. As the PHR report explained, “In a society where great emphasis is placed on gender roles and the importance of male protection, it is highly significant of the fear and distress imposed by the *Janjaweed* attacks that the men in the community were driven to abandon their families, risking serious stigma and harm, in order to save their own lives.”

61 United Nations, “UN Rights Officials Tell Security Council International Police are Required in Sudan,” press release, Sept. 30, 2004 (“People can barely step outside the perimeter of their camps to collect firewood without a very realistic fear of being attacked...and raped on many occasions.”); United Nations Security Council, *Report of the Secretary-General on the Sudan Pursuant to Paragraph 15 of Security Resolution 1564 (2004) and Paragraphs 6, 13 and 16 of Security Council Resolution 1556 (2004)*, S/2004/787, Oct. 4, 2004, para. 35. According to a recent report by Refugees International, “Since the Government of Sudan has increased the police forces in North Darfur to ‘protect’ the people against the *Janjaweed* militia, the incidence of sexual violence against women perpetrated by the police and army has risen.” Refugees International, “Sudan: Security Forces Attacking Women Seeking Firewood,” Oct. 13, 2004. Amnesty International reports that “[m]ost of the *Janjaweed* are now reportedly incorporated into the Popular Defence Forces, a government paramilitary force, and the Sudanese Army.” Amnesty International, *Sudan, Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences* (July 2004), 6.

The UN High Commissioner for Refugees recently signed an agreement with local gendarme in Chad for the provision of security at the refugee camps. According to one interlocutor, these notoriously poor and uneducated all-male forces will now be given weapons and placed alongside the current security forces – local Chadian men – with responsibility for the security of populations comprised overwhelmingly of women and children. Interview with gender specialist, Oct. 8, 2004.

firewood, food, and water, because any surviving man found outside the relative security of the group setting would, in all likelihood, be killed if found by the *Janjaweed*.

During the attacks on villages, the rapes were often committed in front of others, including husbands, fathers, mothers, and children of the victims, who were forced to watch and prevented from intervening. These rapes are reported as having been inflicted upon a wide age range, from girls under 10 to women of 70 years or older.<sup>62</sup> Visibly pregnant women were also raped. According to humanitarian workers and representatives of NGOs working in the field, the great majority of rape victims were raped by multiple men.<sup>63</sup> According to informants and reports by humanitarian and human rights investigators, the *Janjaweed* engaged in vaginal and anal penetration, including penetration with objects.<sup>64</sup> In the course of raping women, the assailants also inflicted beatings, cutting them with knives on the legs in a method similar to that used for branding slaves, and mutilate them sexually.<sup>65</sup> In some instances, the women are killed following the rape. It is widely reported that during the attacks, the *Janjaweed* often berated the women, calling them slaves, telling them that they would now bear a “free” child, and asserting that they (the perpetrators) are wiping out the non-Arabs.<sup>66</sup> Observers and informants report that the *Janjaweed* also often abducted girls and women from villages they attacked for use as sex slaves, in circumstances where they may be gang-raped by multiple men, often many times by each man.<sup>67</sup> Most women were held in these conditions over a period of a few days, and then released, often naked, to find their own way. There are also reports of abductions lasting for months and forced marriages.<sup>68</sup> Concerns about the fate of missing girls and women include the possibility that they have been released but have been unable to reunite with their families, that they are continuing to be held as sex slaves by their captors, or that they have, in fact, been killed during their ordeal.

#### 4.2. Prevalence of Rape in the Darfur Conflict

It is beyond the scope of this report to attempt to ascertain the prevalence of rape in the conflict. For reasons previously mentioned and to the best of our knowledge, systematic studies of rape have yet to be conducted in Darfur, and the only systematic study of war-associated atrocity that has been

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62 Interview with former Darfuri political officeholder, Sept. 21, 2004; interview with IDP, Sept. 22, 2004; interview with a Coalition for International Justice (CIJ) investigator, Oct. 2, 2004; interview with person employed at governmental organization, Oct. 5, 2004.

63 Interview with IDP, Sept. 22, 2004; interview with U.S. State Department official, Sept. 28, 2004; interview with CIJ investigator, Oct. 1, 2004; interview with CIJ investigator, Oct. 2, 2004.

64 Interview with U.S. State Department official, Sept. 28, 2004; interview with CIJ investigator, Oct. 2, 2004.

65 Interview with CIJ investigator, Oct. 2, 2004; interview with gender specialist who visited many camps in Darfur, Oct. 8, 2004; PHR, *PHR Calls for Intervention*, 10.

66 Interview with U.S. State Department official, Sept. 28, 2004; interview with CIJ investigator, Oct. 2, 2004.

67 Anecdotal evidence indicates that sexual slavery in this conflict may be a substantial problem, but the scope and prevalence is not yet ascertainable and likely will not be until the security situation improves, enabling human rights investigations and tracing to occur. While it is possible that the problem is not widespread and a few, colorful stories are being repeated, interviews with refugees in Chad would suggest that a number of women as well as a number of men have disappeared. The men are presumed dead, while the whereabouts of the women is deemed unknown. Interview with U.S. State Department official, Sept. 28, 2004; interview with CIJ investigator, Sept. 30, 2004; interview with CIJ investigator, Oct. 1, 2004.

68 Interview with CIJ investigator, Oct. 1, 2004; interview with protection officer with international humanitarian organization, Oct. 4, 2004; Benjamin Joffe-Walt, “Darfur Women ‘Kept as Sex Slaves After Kidnap by the Sudanese Army,’” *Sunday Telegraph* (London), Sept. 19, 2004.

conducted with refugees in Chad did not directly address the issue of rape.<sup>69</sup> This study, the U.S. State Department-funded investigation undertaken in July and August 2004 by the Coalition for International Justice (CIJ), found that 16 percent of respondents said they were raped or had heard about a rape from a victim.<sup>70</sup> While this rate is high, it is likely to be lower than the actual rate for several reasons related to the study design and survey instrument employed.<sup>71</sup> A Darfurian NGO has documented 9,300 cases of rape,<sup>72</sup> although other observers on the ground have argued that the number of rapes is closer to double that figure.<sup>73</sup> There have also been reports of rampant clusters of rapes, such as one reported by a woman to the CIJ investigators that 41 of the women on her camp block had been raped.<sup>74</sup>

In addition to the major impediment of ongoing insecurity in Darfur, there are other reasons that make it difficult to establish a qualitative sense of how many rapes have taken place during this conflict. On the part of the humanitarian community working in Darfur, there is an understandable reluctance to getting involved in activities that might bring them to the negative attention of the GOS and interfere with their capacity to gain access to the population. Consequently, whatever documentation the humanitarian NGOs have gathered on incidence of rape is kept very quiet from the authorities and not routinely reported outside the organization. In this context, the need for human rights groups to take on a reporting role becomes more urgent.

Further, regardless of the ability of outside investigators to surmount the security situation and undertake studies or the willingness of humanitarian workers to report instances of rape when they see them, a fundamental barrier to assessment is the stigma attached to rape in every culture that prevents many victims from coming forward. Although certain internationals have found the people of Darfur surprisingly forthcoming regarding the rapes that have occurred in this current conflict, including a willingness to describe their personal experiences with rape, for most survivors of rape in Darfur the sense of shame and social alienation that is attached to rape in their culture – and the resulting tendency not to report its occurrence – cannot be underestimated. (Notably, in its work in the Democratic Republic of Congo, the IRC estimated that for every rape that was reported,

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69 Amnesty International prepared an excellent report on rape in Darfur that was based on research conducted among refugees in Chad in May 2004. Amnesty International, *Sudan, Darfur: Rape as a Weapon of War*. In the course of its research, which was not designed to be comprehensive, the organization collected the names of 250 women who were raped in the context of the conflict and collected information on an estimated 250 further rapes. We understand that Refugees International has also conducted a study on rape in Darfur, but the report has not yet been released.

70 U.S. Department of State, *Documenting Atrocities in Darfur* (Sept. 2004), State Publication 11182.

71 The State Department investigation was not focused on rape, but on the issue of genocide more broadly. As a result, neither the questionnaire nor the interview strategy was designed to elicit information about rape. There was no question expressly addressing rape, although the issue often came up in the context of answers to other questions or upon the investigator's final, open-ended question about whether there was anything else the interviewee wanted to discuss. Moreover, since the goal of the study was to talk with as many individuals as possible, time constraints did not permit the creation of conditions that might encourage people to discuss a topic as difficult as rape. The investigators were also prohibited from speaking with minors, and the women they interviewed were mostly married women with children, thus excluding from the potential denominator all girls who were minors and most single women, all of whom were likely targets for rape. Another factor that may have reduced the reported incidence of rape in this study is that all of the interpreters used in the investigation were men. Interviews with CIJ investigators on Sept. 29, Sept. 30, Oct. 1, and Oct. 2, 2004

72 Interview, Oct. 12, 2004.

73 Interviews, Sept. 21, 2004. These two estimates are based on methods and scope of geographic application that are not clear, so they are reported here to provide only a notional sense of what observers in the area consider a reasonable range of numbers.

74 Interview with participant in the State Department/CIJ investigation, Sept. 29, 2004.

thirty were not.<sup>75</sup>) There is also no material incentive to advancing a report, since there are substantial legal and logistical barriers to seeking justice domestically in Sudan (See Appendix III).

Difficulty in assessing the prevalence of rape in the Darfur conflict raises the issue of whether the reports that have been received from alleged victims and witnesses are, in fact, reliable in substance and volume. While it is certainly possible that some of the reports may have been fabricated or exaggerated, it is highly unlikely for several reasons that these instances are material in assessing the prevalence of the phenomenon in this conflict. First, the reports of rape have been gathered by a wide range of interviewers and agencies who spoke with different groups of refugees and IDPs at many different times and in many different locations both within Darfur and in camps and settlement areas in Chad. The consistency of these reports gathered across time and space suggests accuracy in relating a common experience. Second, the finding of very similar reports from people whose experience originated in widely dispersed areas makes contrivance unlikely and suggests instead a widespread pattern of systematic assault. Third, the fact that these affected populations had not had a great deal of interaction with one another – and certainly no opportunity to hear media reports – at the time that the stories began to accumulate argues against some campaign of disinformation. Finally, the intense stigma attached to rape in Darfurian society, as in most societies, serves as a strong disincentive to reporting attacks on oneself, a family member, or a member of one's community.

### 4.3. Strategic Use of Rape as a Weapon of War in Darfur

The rapes by the *Janjaweed* and GOS forces in Darfur are not only committed as routine aspects of every village attack but are also used as part of the overall military strategy to accomplish military and political aims in the region.<sup>76</sup> In his September 21 address to the UN General Assembly, Secretary General Annan stated, “In Darfur, we see whole populations displaced, and their homes destroyed, while *rape is used as a deliberate strategy*.”<sup>77</sup> Aspects of the underlying strategic rationale for these rapes can be discerned as follows:

- *Create a sense of fear in the civilian population in order to restrict freedom of movement and economic activity.* The consistency and implacability of the *Janjaweed* attack pattern has cast a massive shadow of fear across Darfur. Word of the rapes of the non-Arab population has spread to all those who have not yet been struck. This fear translates into a siege situation, whereby no one ventures outside the confines of the village unless it is absolutely necessary. Commerce comes to a halt, re-supply is impossible, resources dwindle, and organized resistance across villages becomes more difficult to plan. In its next escalation, even greater fear with no sense of options strikes those who suddenly see the *Janjaweed* approach against the sky. As the *Janjaweed* circle the targeted village, the threat becomes visible to all. Those inside the encirclement can anticipate their fate, and the *Janjaweed* can see anyone who tries to escape. It is known to all that the best possibility for partial group survival is for all to flee. It is also known that, as everyone tries to flee, there will be those who will be killed (mainly the men and boys) and those who will be raped (mainly the women and the girls). That portion of the village population that manages to escape, including those who have been raped and

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75 Chriss, “Understanding and Responding to War-Related Sexual Violence,” 6.

76 A former political officeholder in Darfur has pointed out that this is the first time in the history of the Darfur region that women have been the subject of attack, including rape, in the course of a conflict. Interview, Sept. 21, 2004.

77 United Nations, “Secretary-General’s Address to the General Assembly,” September 21, 2004 (emphasis added), <http://www.un.org/apps/sg/sgstats.asp?nid=1088>.

survive, scatter to other areas to spread the terrible story of what has happened to them and what will befall the next set of settlements in the line of the *Janjaweed* advance. That survivors spread the terror may, in fact, be one of the reasons the *Janjaweed* do not usually kill those whom they rape.

- *Instill flight to facilitate capture of land and killing of male civilians.* The *modus operandi* of the *Janjaweed* and GOS military attacks on Darfurian villages has become known across the region. Defiance in the face of the onslaught simply leads to death. Over these months of war, the military aims of these forces have become easier to accomplish: they ride up to the horizon of a settlement and everyone before them tries to flee. Valuable property and livestock can be gathered without disruption; structures can be burnt at leisure; and civilians running or huddled on a landscape devoid of natural shelter are easy targets for killing and rape. Few military casualties are incurred; little energy or fuel is expended; time from attack to mop-up operations is kept short; and much booty is acquired.
- *Demoralize the population to reduce their will to resist and prolong their forced exit from the land.* Mass rape in war ruptures community ties and disorganizes family structure, behavior, and expectations through time. In a culture that places such high value on virginity and chastity as Darfur, the burden inflicted by rape is particularly devastating and enduring. When rape is used as a weapon of war to the massive extent as seen in Darfur, it is impossible to encompass its impact. Two likely consequences of strategic importance, however, are that 1) families and villages in which these rapes have occurred will have grave difficulties holding together through the period of displacement; and 2) they will encounter additional difficulties in deciding whether and in what aggregations to return whenever that option might prove feasible.

“If I was killed, I would be at peace – but now I have no peace. I will have to deal with the memory every day of my life.” (Rape victim, IDP camp.)

- *Tear apart the community, by breaking family and community bonds and by engaging in ethnic cleansing through “pollution” of the blood line.* A key motive of the *Janjaweed* use of rape as a weapon of war appears to be to destroy the non-Arab Darfurian society as a separate ethnic entity. Reports of rapes are replete with statements made by the *Janjaweed* perpetrators suggesting their intent to make a “free baby”

“One of the men said that they were going to destroy everybody, that they don’t want any Fur or Zaghawa around.” (A 45-year old IDP who was gang-raped by five men and told that they would have killed her but for the fact that she has an Arab grandmother.)

(implying that the non-Arabs are slaves) and to “pollute” the tribal blood line, which is patrilineal in the Darfurian tribes.<sup>78</sup> Propagating the shame of victims and family members, the *Janjaweed* commit many rapes in front of others and then allow the rape victims to survive, thus forcing them to deal with the stigmatizing effects. While observers in Darfur and Chad have not seen the practice of “honor killings,” whereby the family or community kills the rape victim in order to put an end to the shame incurred by her rape, the extent to

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78 Interview with U.S. State Department official, Sept. 28, 2004; interview with CIJ investigator, Oct. 2, 2004; Emily Wax, “‘We Want to Make a Light Baby’: Arab Militiamen in Sudan Said to Use Rape as Weapon of Ethnic Cleansing,” *Washington Post*, June 30, 2004.

which rape victims (and any children resulting from the rapes) will be abandoned by their families and communities remains to be seen.

Not all of the rapes committed in the course of the conflict have been part of a military strategy. The widespread abduction of girls and women for use as sex slaves, which could meet the goals outlined above, is also certainly evidence of the use of rape as a spoil of war. Another possible indication that these rapes may have exceeded the bounds of instrumentality is that, in the course of permitting gang rapes and rapes in front of others, as well as allowing rape victims to survive, the *Janjaweed* and Sudanese military have granted a large population of victims and witnesses the chance to live for another time. Seasoned experts in war crimes and international justice have noted that the actions of the *Janjaweed* and Sudanese military reflect an absence of concern that they will be held accountable in any way for their actions in Darfur, a brazenness and sense of impunity that exceeds any observed in other conflicts.<sup>79</sup>

#### **4.4. Other Issues Regarding Rape in the Darfur Conflict**

##### **4.4.1. Sexual Abuse of Males**

A question that needs further investigation is the extent to which boys and men have also been the victims of sexual violence perpetrated by the *Janjaweed* and/or Sudanese military. The taboo surrounding this subject is so entrenched that it is extremely difficult to find any Darfurian willing to discuss the subject. Many interlocutors with whom the authors spoke, including international humanitarian workers who have spent time in Darfur or Chad during the conflict, had not heard any reports of boys or men being the targets of sexual abuse and expressed the belief that the boys and men when caught by the *Janjaweed* were usually all killed. This absence of information does not rule out the sexual abuse of males before they are killed, however. One interlocutor with significant experience investigating human rights abuses relayed first-hand eyewitness accounts of boys and men being sodomized with sticks in the context of *en masse* terrorization of villagers who had been rounded up in the center of the village during a *Janjaweed* attack.<sup>80</sup>

##### **4.4.2. Participation of GOS Forces in Darfur Rapes**

An outstanding issue that could not be resolved by the methods used for this report is the extent to which the GOS forces themselves participated directly in the rape of non-Arab Darfurians. By all accounts from refugees and IDPs themselves, the perpetrators were from forces they called “*Janjaweed*.” Yet informed sources among the exile community as well as an interlocutor working with a Darfurian NGO focusing on rape victims state that the GOS soldiers have been involved in committing rapes during attacks on non-Arab Darfurian villages. Whether the GOS forces took part and, more fundamentally, what chain of command authorized these rapes cannot be determined by interviewing survivors, first-hand witnesses, or humanitarian workers struggling to care for affected members of the population. A definitive assessment must await full disclosure from the GOS, either voluntarily or through a judicial process.

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79 Interview with CIJ investigator who also worked in Bosnia and Kosovo, Sept. 30, 2004; interview with CIJ investigator who previously worked in the Balkans, Chechnya, and Sierra Leone, Oct. 2, 2004.

80 Interview, Oct. 2, 2004.

## 5. INDIVIDUAL AND COMMUNITY EFFECTS OF RAPE IN DARFUR

### 5.1. Short-Term Effects on Individuals

A number of factors particular to the situation in Darfur may modify what is reported in the literature<sup>81</sup> to be the usual or expected physical, psychological, and psychosocial effects of rape in conflict.

#### 5.1.1. Physical Effects

##### *Death*

Death may be a more common outcome of rape in Darfur than reported, despite the apparent fact that the *Janjaweed* assailants do not usually kill their victims. The hardship of flight and absence of food, shelter, water, or medical care appear to impose a particularly hard survival burden on young girls.<sup>82</sup>

##### *Pregnancy*

Pregnancy is itself a health risk for women in less-developed countries. In the Sudan, recent best estimates suggest that 590 women die for every 100,000 births, and the infant mortality rate is 77 infant deaths for every 1,000 live births.<sup>83</sup> Unwanted pregnancy through rape (and gang rape increases the risk of pregnancy) and the conditions imposed by war (malnutrition, anemia, malaria, exposure, stress, infection, disease), increase the risks defined by this baseline maternal mortality rate.<sup>84</sup> Abortions are not a common practice in the Sudan and thus are unlikely to reduce the rate of pregnancies resulting from rape.

##### *Injuries*

The prevalence of gang rape and confinement as sex slaves increase the potential for injury suffered by rape victims. Many of the women have also been beaten and attacked in the process of being raped. One injury that has been mentioned with some frequency is the gouging of the leg with a knife in the manner used for branding animals and slaves.

##### *Female circumcision*

Female circumcision, or female genital mutilation (FGM), is relatively widespread among women in Darfur, with regional estimates ranging from approximately 50-85% having either Type I (*sunna*, which creates little scarring and maintains functional urethral and vaginal openings) or Type III (infibulation, which leaves extensive scar tissue formation and often occludes urethral and vaginal orifices). (See Appendix II, section 1.)

The physical consequences of rape for women with Type I circumcision are similar to those for women who have not been circumcised. For women who have had Type III circumcision,

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81 See Appendices I and II.

82 Interview with CIJ investigator, Oct. 2, 2004, who spoke with survivors of a group who were all raped and reported that several of the youngest rape victims had not survived.

83 United Nations Population Fund, *The State of World Population 2004* (2004): 102.

84 Médecins Sans Frontières, *"I Have No Joy, No Peace of Mind": Medical, Psychosocial, and Socio-Economic Consequences of Sexual Violence in Eastern DRC* (2004): 11.

however, the consequences of rape include lacerations of scar tissue, increased risk of infection, and delayed healing.<sup>85</sup>

### *HIV/AIDS*

The risk of transmission of HIV/AIDS increases with any increase of unprotected sexual intercourse. The relatively low rate of prevalence of HIV/AIDS in Sudan (1.9% among 15-49 year old men and 2.6% among women in the same age group<sup>86</sup>) may prove protective to the many women who have been raped. Another possible protective factor is that the *Janjaweed* are an irregular, nonpermanent military force and thus, unlike the pattern for formal military in many parts of Africa, may not have elevated HIV/AIDS rates as compared to the normal population. (See Appendix II, section 1.1.)

### *Availability and Accessibility of Medical Treatment*

Throughout Darfur, the international community continues to struggle to provide the most basic services such as food, water, and shelter.<sup>87</sup> In Chad, where security concerns have been much less acute than in Darfur and where the capacity to establish formal refugee camps has simplified access to the population, medical care is more available and developed. In Darfur, medical clinics are operating in some IDP camps and larger towns, with most of these capable of providing some care to rape victims. Médecins Sans Frontières (MSF) follows a three-part protocol: 1) drugs to prevent sexually-transmitted infections (STIs), 2) emergency contraception within 72 hours of the event, and 3) post-exposure prophylaxis to reduce the risk of HIV infection.<sup>88</sup> Reports from an MSF-run clinic at an IDP camp in Darfur suggest that rape victims arriving longer than 72 hours after the event are treated with antibiotics only.<sup>89</sup>

Given the circumstances of most of the rapes in this conflict, the great majority of women have been unable to seek medical care within this 72-hour window. For the women who are now raped in IDP camps, however, application of the full protocol would be appropriate. We were able to confirm the availability of this protocol only for MSF clinics. All reports from interlocutors indicate that fewer women than expected are seeking treatment for rapes committed in the camps because of security fears and fears regarding confidentiality.<sup>90</sup> A health professional working in an IDP camp reported that most of the women who are raped while seeking firewood, food, or water are threatened by the perpetrator that if she reports the rape, he will kill her and/or her family. Such threats carry weight when the perpetrator has an official role in guarding the camp.<sup>91</sup>

A Sudanese law requiring rape victims to report the attack to the police and obtain a report before receiving clinical care was only recently rescinded. This law appears to have created a significant

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85 Interview with Dr. Nawal Nour, Director, Africa Women's Health Center, Brigham and Women's Hospital, Boston, MA, September 21, 2004. Dr. Nour notes that despite reports of increased risk of transmission of STIs and HIV and concerns regarding increased risk of fistula formation following rape of women who have been circumcised, the little documentation in the literature is inconclusive.

86 UNFPA, *The State of World Population 2004*, 102.

87 Interview with humanitarian worker in Kalma camp near Nyala, Darfur, Oct. 14, 2004. This camp's population has ballooned from 15,000 in May to approximately 70,000 currently. It is still lacking clean water and sanitation, and there are persisting high rates of malnutrition among children.

88 MSF, "Not Enough Time," news update, Aug. 20, 2004, [www.doctorswithoutborders.org/news/2004/sudan\\_08-20-2004\\_pf.html](http://www.doctorswithoutborders.org/news/2004/sudan_08-20-2004_pf.html).

89 Interview with humanitarian worker, Oct. 14, 2004.

90 Preliminary draft of report from Refugees International, to be released later this month.

91 Interview with health professional in IDP camp, Oct. 14, 2004.

barrier to obtaining – or even seeking – medical care, given the perceived futility in reporting rapes to the authorities.<sup>92</sup> It also created a treatment barrier for medical providers, including medical clinics in IDP camps. One interlocutor, from a humanitarian agency providing services in Darfur, reported that this agency felt obliged to abide by the government directive.<sup>93</sup>

In response to pressure from the UN, the Sudanese Ministry of Justice issued a decree on August 21, 2004, lifting the “procedural requirements” of the above law “in cases requiring medical attention.” Specifically, this new decree states, “In serious and emergency cases that need urgent treatment, the victim shall be treated in public hospitals without obtaining form (8).”<sup>94</sup> NGO personnel have expressed considerable misgivings about this new decree and its exact meaning. The UN Secretary General said that it “*appears to remove this obstacle for victims needing medical treatment following a sexual assault or rape.*”<sup>95</sup> It remains to be seen whether this directive will effect a change in the willingness of rape victims to seek medical care, particularly given the very high level of distrust of the government on the part of the IDPs.

There have also been several separate reports of rape victims and other injured non-Arab Darfurians who have been turned away from local and state clinics and hospitals when they have attempted to obtain medical care. During an investigation conducted by PHR in May/June, investigators heard reports of a GOS directive prohibiting doctors in government service from providing care to non-Arab Darfurians.<sup>96</sup> It appears that even the non-Arab doctors feel pressure to comply with this alleged directive.<sup>97</sup>

A rape victim reported that, when five girls in her community were raped, they walked on foot approximately 50 miles to El Fashir, where an ethnic Fur doctor threw them out of his office, saying “Everything will be ok. Don’t perpetuate rumors like this.” (Interview, Sept. 22, 2004)

### 5.1.2. Psychological and Psychosocial Effects

Psychological counseling for women raped in this conflict is even less available than medical care. The refugee camps in Chad are better staffed in this regard but in Darfur, there are very few

“We spoke with a group of IDPs who, when asked about the stigma on women who are rape victims, told us ‘No, this is the fault of the Janjaweed.’” (Interview with representative of NGO dealing with IDP/refugee issues, Oct. 4, 2004.)

professionals trained in mental health, trauma, or gender violence currently working in the IDP camps. To some extent, this absence of personnel reflects appropriate programming priorities. It is well understood that people in the midst of ongoing struggles for survival and safety are not prepared to begin exploring psychological issues.<sup>98</sup> From the

92 See Appendix III.

93 Interview with protection officer with international humanitarian organization Oct. 4, 2004.

94 The Republic of Sudan Ministry of Justice, Minister’s Office, “Minister of Justice Decree: Criminal Decree No 1/2004” (Aug. 21, 2004).

95 United Nations Security Council, *Report of the Secretary-General on the Sudan Pursuant to Paragraph 15 of Security Resolution 1564 (2004) and Paragraphs 6, 13 and 16 of Security Council Resolution 1556 (2004)*, S/2004/787, Oct. 4, 2004, para. 36.

96 PHR, *PHR Calls for Intervention*, 9.

97 One interlocutor mentioned reports of officials from the Sudanese Ministry of Health being dispatched to camps to oversee the activities in the medical facilities. Interview, Oct. 4, 2004. The presence of official government personnel could create yet another barrier to women seeking medical treatment.

98 Charles B. Wilkinson and Enrique Vera, “Clinical Responses to Disaster: Assessment, Management, and Treatment,” in *Psychosocial Aspects of Disaster*, ed. Richard Gist and Bernard Lubin, 229-67 (New York: John Wiley & Sons, 1989).

standpoint of assessment at this point, however, there are few workers now in the field who feel prepared to comment on the psychological state of mind of the women who have been raped.

Certain general points undoubtedly apply to the majority of women who have been raped in this conflict:

- The psychological and psychosocial effects of the rapes on the women in Darfur are likely to be profound, especially in the context of pervasive social norms about sexuality, purity, and honor.
- Many interlocutors report that large numbers of women, struggling with shame and fear of rejection, are keeping the rapes secret, even from their husbands and families.<sup>99</sup> This effort at secrecy can be sustained only if the rape did not occur in front of others.

“I know women who were raped. People point at them. The women are very shy to talk about it. There is a hospital in the camp but the women don’t go. They are shy and scared to say they were raped.” (Zaghawa IDP, interviewed Oct. 1, 2004.)

- Other women are coming forward and telling their stories, at least to international workers or visitors. This willingness appears to depend on many factors, including age and tribe.<sup>100</sup>

“Women can’t dare to report rape normally, except in these circumstances where it’s so widespread. Now, men and women are speaking about rape openly – but only to Westerners. They don’t talk openly with Sudanese authorities because they are afraid of the consequences.” (Former Darfuri political officeholder, Sept. 21, 2004.)

- Many other losses associated with the conflict are intermingled with the physical and psychological burden of rape: loss of family members, loss of possessions and livestock, and displacement from home.
- Virtually everyone who has survived to reach the camps or larger towns is burdened with her own recent history of loss and trauma, so although there are many with whom to share the experience of suffering, there may be comparatively few within the local Darfuri community who are not emotionally depleted themselves.
- There will soon be an enormous need to provide a full range of psychosocial programs to respond to the express concerns of women as they begin to feel safe in coming forward for help.

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99 For an example of a community struggling with the cultural norms and values, see Robyn Dixon, “In Sudan, Rape’s Lasting Hurt: Young Darfur Victims of Militia Fighters are Blamed for Bringing Shame to their Families. They Have Little Hope of Marriage or Schooling,” *Los Angeles Times*, Sept. 15, 2004.

100 Several of the CIJ investigators reported their sense that members of the Masalit tribe were more open about issues of rape than members of the Zaghawa tribe. Interviews conducted Sept. 29 and 30, 2004.

“I spoke with a woman who was raped in front of her four children, who were tied up. She was raped twice by two younger men. The oldest man raped her and then attempted a second time. She resisted and he beat her severely. He pointed his Kalashnikov at her, cocked it, and told her that he was going to kill her, but the other guys stopped him. The woman’s husband was missing and presumably had been killed. She said she was most worried about her husband. She didn’t know how she would support herself and her kids in the future without him.” (Report of CIJ investigator, Oct. 1, 2004.)

## 5.2. Short-Term Effects of Rape at the Community Level

The social environments to which survivors have fled, whether in Darfur or in Chad, are not conducive to immediate physical or psychological rehabilitation of the community. No longer forced to flee and hide, the displaced in camps must deal with very recent and raw memories and face ongoing insecurity and uncertainty.

- Many members of the community, forced to experience or watch repeated acts of brutality and rape, are now struggling to cope with traumatic memories. It was reported in one interview that a woman in one of the IDP camps had a psychological breakdown following the rape of her eight year-old daughter,<sup>101</sup> and surely this instance is not the only one.
- Elements of shame and rage undoubtedly mingle in the reactions of the surviving men. Many men are willing to talk in general terms about the rapes that occurred in the attacks on their villages or about the rapes now taking place in the refugee/IDP camps. Much less frequently, they will also speak specifically about the rapes of family members. The extent to which feelings of guilt are also present, arising from the fact that, in fleeing, the men had to leave their women behind to face rape, cannot be determined at this distance.
- Given the scale of death and displacement, the camps are predominantly composed of women and children, who are now facing the future with certain despair about their husbands and fathers whom they know to have been killed, or ongoing anxiety about men who are simply missing. (Some women know that their husbands are fighting with the rebel forces.) Tracing activities in Darfur have not yet been undertaken by the international community, although the International Committee of the Red Cross Society (ICRC), based in Chad, is undertaking such efforts through the Sudanese Red Crescent.
- High levels of insecurity and personal jeopardy continue to haunt the survivors in the camps, towns, and settlements in Darfur. Fighting is still taking place around camps and the *Janjaweed* continue to make incursions into these camps and into settled areas just across the Chad border.<sup>102</sup> Girls and women continue to be raped by *Janjaweed* when they leave the camps to secure firewood, food, and water.<sup>103</sup> Reports of rape in IDP

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101 Interview with IDP, Sept. 22, 2004.

102 Interview with IDP, Sept. 22, 2004; interview with humanitarian worker with intergovernmental agency, Sept. 27, 2004; interview with protection worker, Oct. 4, 2004.

103 Interview with IDP, Oct. 1, 2004; interview with humanitarian worker in IDP camp, Oct. 14, 2004; email correspondence received from humanitarian worker working at two IDP camps near Zalingei, Darfur, Oct. 11, 2004

areas in Darfur are attributed to *Janjaweed*, security guards (many of whom are ex-*Janjaweed*), and others. Insecurity in refugee camps in Chad, particularly the risk of rape from security guards, continues to trouble the women who had hoped their escape across the border would bring this particular fear to an end.

- The possible development of a sex trade, in which female IDPs and refugees are forced to exchange sexual favors for desperately needed goods and services, is a concern for observers of the situation in both Chad and Darfur. Such pressures on rape survivors will only exacerbate and prolong the trauma they are already enduring.
- Pressures to move from current IDP camps and settled areas are increasing, introducing further fear and anxiety for many IDPs in Darfur. So-called “safe areas,” the creation of the GOS, are considered by informed observers to be, at best, publicity stunts and, at worst, sinister attempts to contain and isolate the targeted population.<sup>104</sup>
- Many reports of GOS insistence that IDPs now return to their homes or relocate<sup>105</sup> force people to try to make decisions in the absence of any information about the security situation in the areas to which they are directed.<sup>106</sup>

### 5.3. Longer-Term Effects on Individuals and Communities

The demographics of this conflict have depleted the society of men and left many women alone, struggling with great loss of social and material supports and forced to assume both traditional female and male roles. It remains to be seen how they will adjust to this mix of difficult responsibilities, particularly when they eventually are able to return to their villages to rebuild their lives. According to interlocutors familiar with Sudanese laws and customs regarding land possession, widowed women will be able to claim the land of their husbands.

Women who have been raped carry an added significant burden of shame and stigma. The extent to which they will be abandoned or ostracized by their remnant families or by their communities upon their return is entirely unclear at this point. Interlocutors do not yet have knowledge of women being abandoned by their husbands, although the first response of interlocutors – “What husbands?” – underscores how many men have been killed or have disappeared. It is possible that if the rape survivor is widowed, she may face considerable difficulty gaining title to land upon eventual

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(relaying report from women in one of the camps that an average of 4 women per week are attacked while leaving the camp to collect firewood and grass and that the attacks consist of being beaten, whipped, or raped by the Janjaweed and soldiers/police); “UN Rights Officials Tell Security Council International Police Are Required in Sudan,” UN News Service, Sept. 30, 2004.

104 Human Rights Watch, “Darfur: U.N. ‘Safe Areas’ Offer No Real Security: U.N. Security Council Should Reject Plan That Could Undermine Return of Civilians,” news release, September 21, 2004, <http://hrw.org/english/docs/2004/09/01/darfur9286.htm>; Eric Reeves, “The UN Plan for ‘Safe Areas’ in Darfur: Consolidating Khartoum’s Campaign of Ethnic/Racial Displacement and Genocide,” Sept. 3, 2004, available electronically.

105 Dennis McNamara, special adviser on displacement to the UN Emergency Relief Coordinator and director of the Inter-Agency Internal Displacement Division of the UN Office for the Coordination of Humanitarian Affairs (OCHA) stated on August 30, “There is still undue pressure by the authorities for the displaced to return to unsafe areas, while general insecurity continues around the settlements.” “‘Major Protection crisis’ in Darfur - UN mission,” *IRIN news service*, Aug. 30, 2004.

106 United Nations Security Council, *Report of the Secretary-General on the Sudan Pursuant to Paragraph 15 of Security Resolution 1564 (2004) and Paragraphs 6, 13 and 16 of Security Council Resolution 1556 (2004)*, S/2004/787, Oct. 4, 2004, para. 33.

return to the home village. If unmarried, marriage prospects are uncertain. Given these obstacles, the livelihood options for these women who have been raped do not appear promising.

A point that signals the depth of uncertainty regarding the future of this entire non-Arab Darfurian society, however, is that there is no recent precedent for such a large proportion of rape survivors among a population where rape was widely used as a weapon of war. In Bosnia and Congo, for instance, rape victims were usually killed. In the historical record, the example of German women experiencing and surviving widespread rape when the Russian troops took Berlin in 1945 suggests that there might be considerable potential for a range of reactions and accommodations in the years thereafter.<sup>107</sup> The differences in circumstances for these two groups of women, however, separated by sixty years and entirely dissimilar social and economic resources, makes any comparison a matter of pure conjecture.

Yet several interlocutors have reported firsthand experience of seeing rape victims, whose families knew they had been raped, still living within their family units in the IDP camps.<sup>108</sup> These observations included women who were pregnant as the result of a rape as well as women survivors of rape living in compounds with men who held positions of authority.<sup>109</sup> Perhaps over time the rapes these women have endured will be perceived as war wounds, valorized in a society where everyone was wounded in one way or another.

The fate of children born of rape constitutes another significant issue that is layered with questions rather than answers. Because the conflict has lasted for over 20 months, women who became pregnant as a result of rape have already begun to give birth. One large uncertainty regards the reactions of their mothers. Another is the attitude of husbands, the extended family, and the community. Little information is available for guidance. Anecdotally, we have received two accounts of men saying “it is the will of Allah” when discussing this topic, suggesting a certain sense of pre-determination about the situation.<sup>110</sup> There are reports of unattended children in many camps but interlocutors state that it is not clear whether these children are 1) orphans from the conflict, 2) separated from families who are scattered elsewhere, or 3) abandoned as products of rape. In some instances, other members of the camps have adopted the children, and several observers with knowledge of Darfurian society have expressed their belief that adoption will become a common practice, given the cultural norms.

## **6. MAJOR FINDINGS AND RECOMMENDATIONS**

### **6.1. Findings**

- Prevalence of rape in the conflict in Darfur is difficult to determine because the ongoing insecurity prevents the implementation of a population-based survey and inhibits anecdotal and qualitative reporting of those instances of rape that are observed or experienced. Humanitarian NGOs are privy to reports from individuals or groups but cannot easily transmit these reports

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107 Beevor, *The Fall of Berlin*.

108 Interview with State Department official, Sept. 28, 2004; Interview with humanitarian worker, Oct. 14, 2004.

109 Interview with participant in State Department /CIJ investigation of genocide, Sept. 28, 2004.

110 Interview with protection officer, Oct. 4, 2004; interview with head of international humanitarian organization, Oct. 14, 2004 (relaying comments received during conversation with a group of men at an IDP camp).

for fear that the GOS might hear of these communications and then block their subsequent access to the populations in need.

- Persons displaced by the conflict are living in extremely bleak conditions. The most fortunate have escaped Sudan and are in the more established refugee camps in Chad, where there is some security from the *Janjaweed* (although not necessarily from the Chadian security forces); food, water, and shelter are available; and medical services and schools are functioning. A much greater number of people are displaced within Sudan, some living in IDP camps with little security; undependable, scattered, or insufficient supplies of food, water, and shelter; and minimal medical services. There are others who have been moved by the GOS to “safe areas.” Best accounts suggest that the *Janjaweed* and criminal elements prey on people who have moved to these sites. There remain an untold number of people who have been displaced from their homes and are living “in the bush.” Their conditions of life are not known and it can be presumed that they have no security, are desperate for food, water, and shelter, and have no access to any form of humanitarian assistance.
- Rape has been a critical element in the sweeping, scorched-earth campaign launched by the *Janjaweed* and the GOS against the non-Arab Darfurians. It is evident that the *Janjaweed* and GOS military have attempted to destroy the non-Arab Darfurian society by killing the men, raping the women, stealing or slaughtering their livestock, and razing their villages and land. Rape has not been a mere by-product of the conflict, but a strategy in the military campaign.
- In using rape as a weapon of war, the *Janjaweed* and GOS military have sought to 1) create a sense of fear on the part of the civilian non-Arab Darfurian population in order to restrict freedom of movement and economic activity; 2) instill flight, thus making the civilian population easier to take over; 3) demoralize the population, thus reducing their capacity for resistance and their will to return; and 4) tear apart the community by engaging in ethnic cleansing through “pollution” of the blood line and by breaking family and community bonds.
- The rapes that have taken place in the conflict in Darfur have taken place primarily in the course of attacks on non-Arab villages by the *Janjaweed* and Sudanese military. The rapes take place at three points: 1) in the days leading up to the *Janjaweed* attack, 2) during the full attack on the village, and 3) in pursuit as the women and girls are fleeing the scene of attack and seeking safety elsewhere. There have also been a number of reports of *Janjaweed* raping non-Arab Darfurian girls and women who are living in IDP or refugee camps and leave the camp to obtain food, water, or firewood.
- The rapes are characterized by a brazenness and apparent lack of concern regarding accountability. The reported rapes are often committed in front of others, involve as victims girls and women of widely varying age, and are often associated with infliction of brutal injuries and mutilations.
- Verbal assaults often accompany these rapes, with denigrating and racial connotations.
- Women and girls are often abducted and subjected to days of gang rape or weeks and months of sexual slavery.
- It is reported that although boys and men are usually killed if caught by the *Janjaweed*, they have on occasion been prey to sexual violence.

- In Sudanese society, attitudes toward sexuality and reproduction are located at the center of important cultural and religious beliefs that place enormous emphasis on virginity, chastity, marriageability, and honor.<sup>111</sup>
- Victims of rape in the Darfur conflict are likely to suffer one or more of the following physical consequences: bodily injury, pregnancy, STIs, HIV/AIDS, or death. These consequences for survivors are aggravated by the isolation of the victims, the inaccessibility of medical care, and the prevalence of FGM.<sup>112</sup>
- Rape victims may experience a range of psychological consequences and psychosomatic symptoms. The powerful social norms in Darfurian culture about sexuality, purity, and honor serve to exacerbate feelings of shame and stigma commonly attached to rape in all cultures.
- Because of the massive extent and brutality of the attacks upon the non-Arab Darfurian population of Darfur, this community is in great disarray. In its dispersed and beleaguered condition, the population is attempting to cope with the ongoing attacks, the related violence and death, great loss of place and possessions, survival issues of displacement, widespread rape, and continuing insecurity. In these circumstances, it is not clear how the community will adjust in the short- or longer-term to the fact that rape has been inflicted on many women and girls among the surviving population. The possibility that rape victims will be abandoned by their husbands or, if single, become “unmarriageable” and ostracized by the community cannot be dismissed. It is also difficult to ascertain how the children who are products of rape will be treated by the families into which they are born or by the community at large.
- Complicating the healing process are the many domestic social, political, and legal barriers to filing or adjudicating claims against presumed perpetrators, making justice virtually unattainable at the current time.

## **6.2. Recommendations**

The recommendations below focus only on the immediate future, during the period when most of the displaced non-Arab population of Darfur remain in IDP and refugee camps. All experts and interlocutors agree that the vast majority of the people do not envision returning to their home communities unless the security situation is completely and verifiably remedied. In the views of many among this population, such security conditions can only be afforded through robust intervention and ongoing presence of an international security force. Regardless of how the security situation is satisfactorily addressed, it is the assessment of the humanitarian and human rights community, and the view within the displaced population, as best as it can be ascertained, that the period of displacement may last for a long time, measured in years. There may well be some intermediate phases of partial return with restoration of partial security, but for the sake of clarity and precision, the recommendations advanced here are designed to apply only to the current context of displacement.

### **6.2.1. Protection Issues**

The first priority of the international relief effort must be to reduce the continuing risk of rape to women in camps and settlements in Darfur and Chad. The major vulnerability arises from the need

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<sup>111</sup> See Appendix I.

<sup>112</sup> See Appendix I for more information regarding FGM.

to exit these areas to forage for firewood and collect water. Although information from interlocutors indicates that viable methods exist for reducing the need for firewood,<sup>113</sup> in the short term and perhaps for the duration of this crisis, current foraging methods will have to continue. Consequently, protection is needed for the women and girls when they leave their group enclosures and venture outside. Since attacks continue to occur even when women and girls are inside these camps and settlements, a protection capacity is needed for internal patrol as well as for perimeter security.

- For settlements of displaced populations in Darfur, an international armed police force is required to create a zone of safety for women and girls inside the settlement areas and when they leave to find firewood.<sup>114</sup> Augmentation of the current AU force to the extent that all major settlement areas are well served by this protection entity is an urgent necessity. The addition of female members to this AU force would add focused support to women's protection needs. The mandate and size of the AU force must be expanded to allow for robust peacekeeping and the protection of civilians, and the international community must provide the financial and logistical support to accomplish this expansion.
- For refugees in Chad, where rape is still occasionally inflicted by marauding bandits or criminals, the option of deploying an armed female security force recruited from the local population or from international forces has been identified by several interlocutors as a viable tactic. Refugee women are afraid of local men in Chad and also fear those who now function as security forces for the camps, and might find the female force – or a force containing some female officers – more reassuring. We are not in a position to evaluate the female labor pool in eastern Chad but raise this suggestion as potentially promising.
- For both populations, those in Chad and in Darfur, general humanitarian relief of food and water must be provided at sufficient levels in every settlement area so that women do not feel compelled to leave zones of relative safety to find sustenance for themselves or their families.
- The U.S. government should ensure that all international and local Sudanese and Chadian organizations whom they enlist to provide goods and services in the refugee and IDP camps have a code of conduct in place regarding sexual harassment and sexual violence, and that the groups have systems in place for reporting and investigating allegations of abuse.
- Viable fuel alternatives that would reduce or eliminate the need for firewood should be explored. Projects like the one initiated by Mercy Corps to develop fuel-efficient stoves that can be made by IDPs and refugees should be encouraged by the USG.

### **6.2.2. Ongoing Gaps in Humanitarian Aid**

- Despite the efforts of the various organizations and agencies now working in Darfur and Sudan, the provision of basic supplies of food, water, and shelter remain insufficient in some refugee camps in Chad and in many areas of displaced population settlement in Darfur. The most urgent priority for rape victims, after security, is for these humanitarian essentials.<sup>115</sup> The women feel enormous pressure to provide for their families, especially given the absence of many of their husbands. Until survival can be better assured, international experts report that

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113 Interview with representative of humanitarian organization, Oct. 20, 2004.

114 "UN Rights Officials Tell Security Council International Police Are Required in Sudan," UN News Service, Sept. 30, 2004.

115 Attention must also be given to the consistent provision of soap, crucial to personal hygiene and public health.

women will have little energy or interest in addressing other issues, including the impact and consequences of rape.<sup>116</sup>

“Only in one camp were women able to talk about their future, how the men are behaving, and that was because all their basic needs were met.” (Interview with gender specialist who visited most of the camps in Chad, Oct. 8, 2004.)

- The U.S. government, through its own efforts and through its influence on other donor nations and the UN, must devote more money and assistance toward the provision of basic humanitarian aid to the refugees and IDPs in Darfur and Chad.

### 6.2.3. Need for Obstetric and Gynecological Services and Medical Care

Given the high burden of rape, the increased pregnancy rate that may result, and the underlying austere conditions of life for the women who have so far survived the conflict in Darfur, it is more essential than is usually the case for the international humanitarian community to make essential obstetric and gynecological services available to the IDP and refugee populations in Darfur and Chad.

- Building on the previous high utilization and acceptability of traditional birth attendants (TBAs) in Darfur, the U.S. government must target assistance toward these individuals and support efforts to train more women in this role. The TBAs should all be well supplied with clean delivery kits that each contains a clean plastic sheet, soap, a razor blade, and an umbilical cord tie.<sup>117</sup>
- The medical facilities in all refugee/IDP camps should have the capacity to perform testing for STIs and HIV/AIDS.
- Each major population settlement area should have at least one physician with special training in obstetrics/gynecology.<sup>118</sup> While it may not be practical to contemplate such an effort before the most immediate and basic humanitarian needs of the IDPs and refugees can be met in a sustainable manner, this capacity should be implemented as soon as possible.
- The USG should promote the adoption of the MSF protocol for the treatment of rape victims by all humanitarian groups that receive USG funds and provide medical care in IDP and refugee camps.<sup>119</sup> This protocol will be most helpful to those victims who seek treatment within a few days of their sexual assault, but evaluation for STIs and for other infections after traumatic rape will be important in all situations.

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116 Chriss, “Understanding and Responding to War-Related Sexual Violence,” 20 (“Survivors must have access to food, water, clothing, and shelter. Poor conditions in an outside community or refugee camp (lack of food, water, sanitation, shelter; threats to personal safety), failure to provide adequate housing, uncertainty as to food and water supplies, and separation of family members from one another are themselves potent causes of emotional problems and are major obstacles to recovery from the emotional effects of the disaster.”).

117 Women’s Commission for Refugee Women and Children, *Lifesaving Reproductive Health Care in Chad*, 4.

118 This capacity would include the provision of abortion, should the woman so choose.

119 MSF uses a three-part protocol: 1) drugs to prevent STIs, 2) emergency contraception, and 3) post-exposure prophylaxis with the anti-retrovirals lamiduvine and AZT to prevent HIV infection. MSF, “Not Enough Time,” news update, Aug. 20, 2004, [www.doctorswithoutborders.org/news/2004/sudan\\_08-20-2004\\_pf.html](http://www.doctorswithoutborders.org/news/2004/sudan_08-20-2004_pf.html).

- As in all medical interactions, but particularly because of the high security concerns in Darfur and Chad, every possible measure must be taken to assure patient confidentiality and protection during visits to the clinic and in the days thereafter.

#### **6.2.4. Need for Productive Activities and Short-Term Employment Opportunities**

- The next highest priority of rape victims, according to first- and second-hand reports, is the opportunity to generate income.
- Income-generating projects would allow rape victims and others to contribute to the welfare of their families and would also serve to provide a sense of control and competence that is extremely important to all people forced into displacement, including rape survivors.<sup>120</sup> Projects such as handicrafts also often create impromptu “support groups,” a safe environment in which women can talk about many issues, including the violence they all have faced. These steps to promote a modicum of economic security would also decrease the vulnerability of women to transactional or survival sex in the camps. (See Appendix IV for a detailed list of suggestions.)
- Efforts must be made as soon as possible to provide skills training and education for the rape victims and others in the camps. With so many women now the head of household as a result of the conflict, there is a marked need to introduce training to help them engage in farming or other means of livelihood.

#### **6.2.5. Need for Counseling and Support Services**

- All informants noted that the non-Arab population in Darfur relies on deep religious conventions and finds solace in ritual and prayer. Even in the temporary settlements to which the displaced populations are now confined, it will be important to find ways to introduce and maintain religious ceremony and religious counseling services.
- Best practice suggestions for how to accomplish these aims include enlisting local women in the design and implementation of all efforts, outreach to the entire community in stigma-reduction campaigns, and creation of women’s support groups in safe environments.<sup>121</sup>

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120 Ibid., 21.

121 Chriss, “Understanding and Responding to War-Related Sexual Violence,” 21. As Chriss explains, “The process of remembrance begins with the reconstruction of the trauma narrative. By piecing together the fragmented components of frozen imagery and sensation, the survivor can slowly begin to reassemble an organized, detailed, verbal account of the trauma event that is oriented in both time and historical context. During this process, group members can reaffirm the commonality of experience.”

According to an interlocutor at an IDP camp in Darfur, several female IDPs have been trained by an expatriate nurse to provide support to victims of sexual violence. In the context of their normal work as community health workers, these women have frequent contact with IDPs and are able to inform them discretely of the services available at the medical clinics in the camp. They have informally “matched” rape victims who are having a particularly difficult time with victims who are coping better so that the latter can provide support to the former. With rape victims whose condition is particularly worrisome, the trained IDPs make sure to visit the woman regularly to check in on her. It is the opinion of the medical personnel in the clinic where this project is ongoing that this discreet support directed by IDPs is the most effective method of outreach and education. Interview with humanitarian worker, Oct. 14, 2004. We recommend that further training efforts along these lines be conducted.

#### **6.2.6. Care of and Attention to Children**

- The growing number of unaccompanied children requires a number of steps to be taken to ensure their care and protection. Providing additional support to families who take responsibility for the care of these children is an important priority.

#### **6.2.7. Tracing Efforts for Separated Families**

- Major support should be given to efforts to trace missing family members, including children, and promote family reunification in Darfur as well as in Chad. Robust efforts in Darfur will require improved protection throughout the region. In addition to concerns about men in the community who are still missing, there are also potentially a large number of girls and women who may still be held against their will, as sex slaves or in other compromised circumstances.<sup>122</sup> It is known from previous experience that such efforts are important in helping people deal with loss, return to a sense of every day life, and encourage them to face the future.<sup>123</sup>

#### **6.2.8. Avoid Identification of, and Further Discrimination Against, Rape Victims**

- Aid targeted to rape victims will be most effective and provide most protection for rape victims if it is contained within the context of assistance provided to all women in the group, such as medical care, income-generating projects, or education and training.
- One of the most positive means of outreach to rape survivors will be through female leaders in the community.
- Outreach and education efforts also need to be targeted toward men through community and religious leaders. An aspect of this outreach should be to valorize the women who have been raped as casualties of war. It is also important for the men to recognize that, to the extent they ostracize the women survivors of rape, they are enabling the genocidal process of their adversaries. Such efforts to reframe the issue of rape in war may help to reduce the stigma attached to this experience.

#### **6.2.9. Reporting System for Sexual Violence and Domestic Justice**

- Each camp must have an effective system in place for the reporting of sexual violence in the camps. This function should be carried out by an international protection officer specifically trained in issues of sexual violence. If there are local efforts underway for the documentation of the sexual violence crimes, these efforts should be supported.
- Protection officers should also be in place to assist IDPs and refugees in their pursuit of domestic justice, including accompanying them to the police station.

#### **6.2.10. Preservation of Evidence**

- Any evidence of rape and sexual assault that is gathered should be preserved for future justice efforts, whether they be domestic, regional, or international.
- The people who are collecting evidence, including protection officers and female leaders of the camps, need to be trained in all steps in this process.

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<sup>122</sup> Interview with CIJ investigator, Oct. 1, 2004.

<sup>123</sup> Chriss, "Understanding and Responding to War-Related Sexual Violence," 21.

### **6.2.11. Attention of the U.S. Government to Justice and Accountability**

- The U.S. government should continue to pressure the GOS on the need for the perpetrators of sexual violence and other crimes to be brought to justice.
- Given the scale of the atrocities, the U.S. government should, at the same time, initiate exploration of other venues and strategies for holding the perpetrators accountable.

## APPENDIX I                      SEXUALITY, MARRIAGE, AND SEXUAL VIOLENCE IN DARFUR

### 1. SEXUALITY AND MARRIAGE

In Sudanese society, attitudes toward sexuality and reproduction are located at the center of important cultural and religious beliefs that place great emphasis on a woman's virginity, chastity, marriageability, and honor. Open discussions of matters relating to sexuality are extremely proscribed by these beliefs. Sexuality is largely seen as an ominous threat that looms large over a woman's purity and morality; as a result, a woman's sexuality must be checked, and social and physical regulation is aggressively pursued.<sup>124</sup>

Marriage, on the other hand, is a highly desirable status. To be considered marriageable, a woman's virginity must be unassailable. Once married, a woman's fidelity – or chastity – becomes the crucial standard. Her entry into her husband's family through marriage signals a woman's attainment of social and economic security. Polygamy is customary in Darfur and across Sudan and is encouraged by the GOS on religious grounds. According to custom in Darfur, if a husband dies, the husband's wives and their children will continue to live together as an extended family.

Intricately connected to these issues is the practice of FGM. The most recent prevalence rate that is available for the Darfur region is a 1989/90 rate of 65%, which was the lowest rate in the country.<sup>125</sup> According to 1999 figures, the prevalence ranges from a low of 51.7% in Western Darfur to a high of 85.1% in Northern Darfur; notably, these figures also reflect the lowest and highest rates, respectively, in all of Sudan.<sup>126</sup> The circumcisions in Darfur are predominantly Type I and III, according to the WHO classification system (which sets forth four types). In the most severe type, which is classified by the WHO as Type I and referred to alternatively as infibulation or pharaonic circumcision, part or all of the external genitalia are excised and the vagina is stitched to form a narrow opening or is closed entirely. This type is used mainly in northern Sudan, including northern Darfur. In the least severe type, Type I, which is referred to as *sunna* circumcision, the prepuce is excised with or without excision of part or all of the clitoris. Circumcision is typically performed on Sudanese girls the age of a few days old and puberty.<sup>127</sup> It is not uncommon for women to be re-circumcised following childbirth.

In Sudan generally, FGM is performed for many reasons, including beliefs that 1) the clitoris of an uncircumcised woman will grow to resemble a penis, such that circumcision (infibulation, in particular) is necessary to achieve femininity from an aesthetic perspective; 2) circumcision is

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124 Rogaia Mustafa Abusharaf, "Sudanese," in *Encyclopedia of Medical Anthropology: Health and Sickness in World's Cultures*, ed. C. Ember & M. Ember 964-71 (New York: Plenum, 2004).

125 M. Mazharul Islam and M. Mosleh Uddin, "Female Circumcision in Sudan: Future Prospects and Strategies for Eradication," *International Family Planning Perspectives* 27, no.2 (June 2001): 71-76.

126 Central Bureau of Statistics of the Sudan Federal Ministry of Health and United Nations Population Fund, *Safe Motherhood Survey 1999* (Khartoum, Sudan).

127 Rogaia Mustafa Abusharaf, "Virtual Cuts: Female Genital Circumcision in an African Ontology," *Differences: A Journal of Feminist Cultural Studies* 12.1 (2001): 118. According to the 1999 Safe Motherhood Survey for Southern Darfur specifically, 71% of respondents reported that the suitable age for circumcision is 7 years, while 22% believe the suitable age to be 3-7 years. Shiva S. Halli, *Safe Motherhood Survey 1999: Southern Darfur State* (Khartoum, Sudan: Central Bureau of Statistics of the Sudan Federal Ministry of Health and United Nations Population Fund, Feb. 2000), chap. 11.3.

necessary for purification and cleanliness; 3) circumcision will increase sexual pleasure for both men and women; and 4) circumcision will endow women with “a remarkable ability to exert self-control and power, to take charge of their ‘natural’ desires and to display restraint over their sexuality,” which promotes virginity before marriage and increases a woman’s power within a marriage.<sup>128</sup>

## 2. SEXUAL VIOLENCE

Sexual violence is considered a violation of highly-cherished communal beliefs about a woman’s virginity, chastity, marriageability, and honor and is thus an exceptionally grave crime in Sudan in general. Public awareness of a rape endangers the victim’s standing as a respected member of the community. Within the prevalent gender ideologies, rape also destroys a young woman’s chance to get married and have children. If already married, a woman who is raped may find herself abandoned by her husband who cannot reconcile himself to what is perceived as her loss of purity and her infidelity.

The universally-shared perception that victims of sexual violence have violated societal norms leads victims to experience shame and makes communities attach layers of stigma and forms of ostracism to the victim herself and to her family. Because sexuality is associated with morality and honor, violation of women’s bodies represents an egregious affront to the community as a whole.<sup>129</sup> Thus, a victim of sexual violence faces social resistance to any attempt on her part to report the abuse. A displaced Darfurian woman who was a victim of rape but had not told her family explained why reporting rapes can lead to serious consequences:

Many women who have been raped are afraid to report the incidents. When we were discussing this issue, some people said, “*el kalam da aib*,” or “this talk is shameful.” That is why many of us choose to suffer in silence.<sup>130</sup>

Even the language used by those women who do discuss their rapes or the rapes of others reflects these norms; the women choose phrases such as “they forced me,” “they used me like a wife,” “men utilized me,” or that a person was “detained for the night.”

Rape in domestic or criminal settings occurs in Darfur and can result in serious health consequences, particularly for women with Type I circumcision, whom the rapist must first often cut open with a knife before penetration is possible. This wound in itself may lead to hemorrhage, local infection, abscess, sepsis, or death. Women who survive rape in these circumstances may seek later to be re-circumcised in order to regain their psychological and physical sense of chastity.<sup>131</sup>

Widespread rape in war has not historically been used in conflicts in Darfur. Rape victims in the current conflict and others in their communities routinely express their shock that the *Janjaweed* are resorting to these means.

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128 Abusharaf, “Virtual Cuts,” 121-35.

129 Rogaia Mustafa Abusharaf, “Competing Masculinities: Probing Political Disputes as Acts of Violence Against Women From Southern Sudan and Darfur” (working paper, 2004).

130 Interview with IDP, Sept. 22, 2004.

131 Interview with Dr. Nawal Nour, September 21, 2004.

## APPENDIX II. EFFECTS OF RAPE IN CONFLICT

### 1. EFFECTS ON THE INDIVIDUAL

#### 1.1. Physical Consequences

Rape during conflict is a violent act, and women may incur broken bones, wounds, concussions, or other signs and symptoms of violent assault. Other injuries associated with the use of force during a sexual assault include bruising to the arms and chest, patches of hair pulled out from the back of the head, and bruising of the forehead.<sup>132</sup> Specific physical consequences of sexual violence are detailed as follows:

- Women who have experienced sexual violence may have mutilation or injury to the genitalia, including bruising, lacerations, tearing of the perineum and damage to the bladder, rectum and surrounding pelvic structures. Untreated wounds have a high risk of becoming infected. In situations of gang rape, the attack may be sufficiently violent as to cause fistulas with bowel or bladder, leaving survivors often unable to control bodily functions and subjecting them to debilitating lifelong health problems as well as social ostracism.<sup>133</sup>
- Damage to the genitalia is most severe in rapes of young girls and in girls and women who have undergone more extensive forms of female circumcision. During the attack, these women may suffer serious lacerations and rupture of scar tissue.
- Women who have been sexually assaulted are at high risk of contracting an STI or HIV/AIDS, developing pelvic inflammatory disease, and threatened with long-term infertility from the chronic effects of pelvic infection. Damage to the genitalia increases the risk of transmission of infections, including HIV.
- Sexual violence performed against a woman who is already pregnant carries a high risk of miscarriage. STIs acquired during pregnancy can result in serious health consequences, including spontaneous abortions, stillbirths, and death. In cultures where a woman is respected in part because of her capacity to conceive and bear children, many survivors of sexual violence have been punished and rejected by their husbands and communities.<sup>134</sup>
- If rape results in pregnancy, survivors face a range of unwelcome options. Where abortion is illegal or unavailable, there may be a rise in incidence of unsafe abortion as women choose informal or traditional methods. The shame of forced pregnancies may make women reluctant to seek antenatal care, even where such care is available. If the pregnancy is carried to completion, women may refuse to breastfeed and may not seek postnatal care. Children born of rape have been seen to be neglected, stigmatized, ostracized, or abandoned. In some cases, infanticide may occur.<sup>135</sup>

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132 World Health Organization, *Reproductive Health during Conflict and Displacement* (2000), chap. 18.1.

133 L. Lewis Wall, S.D. Arrowsmith, N.D. Briggs, and A. Lassey, *Urinary Incontinence in the Developing World: The Obstetric Fistula* (report to the International Incontinence Society, n.d.); Jackie Martens, "Congo Rape Victims Seek Solace," *BBC News*, Jan. 24, 2004.

134 Meredith Turshen, "The Political Economy of Violence Against Women During Armed Conflict in Uganda," *Social Research* 67 (2000).

135 WHO, *Reproductive Health during Conflict*, chap. 18.3.

The lethal combination of high rates of HIV among soldiers in many countries and widespread sexual violence impose a possible death sentence for girls and women who are raped in conflict. This risk is particularly high in sub-Saharan Africa, where HIV/AIDS prevalence rates in the military are now two-to-five times higher than in civilian populations, and have been reported in conflict zones to be as much as 50 times higher than population baselines.<sup>136</sup> In a region where 60% of countries in 2000 were affected by conflict, this finding has massive implications for the overall health and security of the continent.<sup>137</sup>

## 1.2. Psychological Consequences

The psychological impacts of rape and other forms of sexual violence vary according to the woman, her culture, the circumstances of the rape, and prospects for overall community recovery. To understand the effects of rape in wartime, one must also consider the other vast trauma that the girls and women may have experienced: death of loved ones, loss of home and community, dislocation, untreated illness, and war-related injury.<sup>138</sup> Rape in the context of war represents not only a betrayal of basic trust, but exploits the vulnerability of displaced and disconnected girls and women, shatters primary relationships with family members forced to witness the attack, and degrades the entire community. To compound the devastation of rape, war and displacement tend to rupture the caring community that would typically provide support to a survivor.

Rape victims may face any or all of the following in the immediate period following the attack:

- There may be feelings of shock, denial, fear, and a profound sense of loss of control over one's life. These reactions are often accompanied by a diminished sense of safety and an overall perception of vulnerability
- Intense psychological stress may be manifested by feelings of entrapment or intrusive thoughts. Because traumatic memories lack context, small and seemingly insignificant environmental stimuli can be perceived as signs of a hostile attack. The daily experience of individuals in war-affected communities is marked by hypervigilance in environments rich with threat cues.
- Women may suffer distortions in identity or experience feelings of disconnection and rejection, both internally and externally imposed. Rape may cause a disruption in their sense of belonging in terms of their relationships and role in society.
- Rape may erode the victim's sense of continuity of self and self-determination, and lead to depression, an inability to conceive of the future, and suicidal ideation.
- Because most cultures place religious or cultural value on sexual purity or privacy, sexual abuse degrades the person in her own eyes, before her family and community, and in her relationship to her god or deity. Women may therefore experience a warped sense of self worth (linked to cultural norms such as worth tied to marriage and fertility).

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136 UNAIDS, *AIDS and the Military* (United Nations Press, 1998).

137 SJ Kingma, "AIDS Prevention, Testing and Care in Current Military Practice," *International Conference on AIDS* 11, no. 11 (1996):47.

138 Swiss and Giller, "Rape as a Crime of War," 613; Veena Das et al., eds., *Remaking a World: Violence, Social Suffering, and Recovery* (Berkeley: University of California Press, 2001).

- Women may experience humiliation and degradation, a sense of “brokenness” or permanent damage, and dehumanization resulting from the violation.<sup>139</sup>
- In many cultures, rape is characterized as an “unspeakable” atrocity and, therefore, may be expressed somatically rather than through other forms of communication. Psychosomatic symptoms associated with feeling soiled and infected following the rape may persist despite repeated physical treatment. Psychological distress can therefore manifest in physical symptoms such as headaches and reports of vaginal discharge and pelvic pain. A study of 107 women raped in the Luwero District of Uganda during the country’s 1980-1986 conflict found that 53% described their distress in non-gynecologic physical complaints (headaches, chest pain, and rashes) and 57% in gynecological complaints (vaginal discharge and pelvic pain) dating from the time of rape.<sup>140</sup> Notably, two-thirds of the women had no clinical findings of infection. Only two of the women presented with what could be termed “psychological symptoms” (nightmares and loss of libido).

### 1.3. Psychosocial Consequences

In contrast to trauma experienced by individuals in times of peace, where the overall social context retains stability and predictability, conflict settings immerse civilians in an environment defined by a series of chronic and complex stressors.<sup>141</sup> The primary focus of many traumatized individuals in conflict settings is to deal with immediate survival issues, such as the need to find food, water and shelter for themselves and others; the disappearance or death of loved ones; widespread displacement; and continued insecurity.<sup>142</sup> In conflicts in which sexual violence has been used as a weapon of war, rape victims find themselves in a community of many women who have also been raped. The social and collective features of war-related trauma highlight the interconnectedness between individual distress and social suffering.<sup>143</sup> Overall, the interaction between wars of destabilization and the psychosocial impact of sexual violence can be described in terms of the following general mechanisms:

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139 Anke Ehlers, Andreas Maercker, and Anne Boos, “Posttraumatic Stress Disorder Following Political Imprisonment: The Role of Mental Defeat, Alienation, and Perceived Permanent Change,” *Journal of Abnormal Psychology* 109 (2000): 45.

140 Patrick J. Bracken, Joan E. Giller, and Stella Kabaganda, “Helping Victims of Violence in Uganda,” *Medicine and War* 8 (1992):155-63.

141 This realization has led several scholars to challenge whether Post-Traumatic Stress Disorder (PTSD) is the predominant form of suffering across war-affected communities. That PTSD is a prevalent outcome of war-related trauma is without question. The PTSD model, however, assumes that traumatic reactions can be traced back to a finite, now complete traumatic event. The biomedical framework that underpins PTSD tends to isolate the individual from the social and may obscure the range of human responses to the collective trauma of war. Patrick J. Bracken, Joan E. Giller, and Derek Summerfield, “Psychological Responses to War and Atrocity: The Limitations of Current Concepts,” *Social Science and Medicine* 40 (1995): 1073-82; Derek Summerfield, “Addressing Human Response to War and Atrocity: Major Challenges in Research and Practices and the Limitations of Western Psychiatric Models,” in *Beyond Trauma: Cultural and Societal Dynamics*, ed. Rolf J. Kleber, Charles R. Figely and Berthold P.R. Gersons (New York: Plenum Press, 1995); Judith Lewis Herman, *Trauma and Recovery* (New York: HarperCollins, 1992): 51; David Becker, “The Deficiency of the Concept of Post-Traumatic Stress Disorder when Dealing with Victims of Human Rights Violations,” in *Beyond Trauma: Cultural and Societal Dynamics*, ed. Rolf J. Kleber, Charles R. Figely and Berthold P.R. Gersons, (New York: Plenum Press, 1995); Stuart Turner and Caroline Gorst-Unsworth, “Psychological Sequelae of Torture: A Descriptive Model,” *British Journal of Psychiatry* 157 (1990); Elizabeth Gong-Guy, Richard B. Cravens, and Terrence Patterson, “Clinical Issues in Mental Health Service Delivery to Refugees,” *American Psychologist* 46, no. 6 (1991): 642-48.

141 Summerfield, “Addressing Human Response.”

142 Summerfield, “Addressing Human Response.”

143 Ibid.; Herman, *Trauma and Recovery*; Turner and Gorst-Unsworth, “Psychological Sequelae of Torture.”

1. Conflict and displacement disrupt the social structures of communities.
2. Widespread sexual violence exacerbates this disruption still further by its profound negative impact on the social health of a community. Sexual violence disturbs the systems of attachment and meaning that link an individual to her community through primary relationships, cultural beliefs, and social bonds.<sup>144</sup>
3. These profound disturbances cause a breakdown of identity and relatedness that, in turn, exacerbates the psychosocial impact of war-related violence at both the individual and community level.<sup>145</sup>

In many cultures, female sexuality is viewed as a commodity, and there may be symbolic value attributed to female purity and fertility. Traditions of patrilineal descent can intersect with social constructions of women as property to underscore the damaging ramifications of pregnancy from rape. Bearing a child from rape may devastate family and community relationships.<sup>146</sup>

## 2. EFFECTS ON THE COMMUNITY

Widespread sexual violence during war or genocide has many observed effects, including the following:

- Rise in the number of rapes or incidents of gender-based violence reported to government institutions, humanitarian aid organizations, and health centers. In addition, men caught up in the male-dominated arena of war can be more prone to child abuse and domestic violence against women.<sup>147</sup>
- Increases in the incidence of HIV/AIDS, other sexually transmitted infections, reproductive tract infections, pregnancies, unsafe abortions, somatic complaints, and abandoned infants.
- Increases in the number of widows, unmarried women, women-headed households, and unaccompanied children.
- Abduction of girls and women by rebel groups or militias for purposes of forced marriage or sexual slavery.
- Resurgence of female circumcision among refugees and displaced persons as a way of reinforcing cultural identity.
- Higher rates of food insecurity, either because women are no longer able to work productively or because of the threat of sexual violence. Abandoned homes and untended fields are signs of severe social devastation and declines in human security.
- Adults who are seen as idle (not employed and not engaged in activities of any definition) may signal a number of dysfunctional attributes of the community or of the individuals themselves. Possible explanations include a disruption in traditional labor activities as a result of social destabilization,<sup>148</sup> social rejection and externally imposed isolation of

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144 Becker, "The Deficiency of the Concept;" Turner and Gorst-Unsworth, "Psychological Sequelae of Torture."

145 WHO, *Reproductive Health during Conflict*.

146 Carolyn Nordstrom, "Women and War: Observations from the Field," *Quarterly Report on Women and the Military X/I* (1991): 1-15.

147 Liz Kelly, "Wars Against Women: Sexual Violence, Sexual Politics and the Militarised State," in *States of Conflict: Gender, Violence and Resistance*, ed. Jacobs, Jacobson, and Marchbank (London: Zed Press, 2000).

148 John H. Ehrenreich, *Coping with Disaster – A Guidebook to Psychosocial Intervention* (Mental Health Workers Without Borders, 2001).

stigmatized survivors, or symptoms of individual psychological distress and withdrawal from daily activities.

- The formal social and economic structures to which people normally turn for help in time of need may have been destroyed, or trust in them may have been eroded because of their association with the perpetrators of abuse.
- In the case of genocide or extremely violent conflict situations, every social system may be implicated. All the familiar points of reference may be gone and the sense of being part of a community may be lost. People may no longer know whom to trust or to whom to turn for help.
- During genocide or in conflicts where there is impunity for crimes committed, there will likely be continuing hostility towards the group from which the perpetrators came. This hostility, mixed with fear, will serve as a significant barrier to reconciliation and community reconstruction.
- Social bonds are damaged if women who have been sexually abused isolate themselves or are isolated by their families and communities. Bonds within families may be seriously disrupted if children have seen their mothers being raped, or when a family member has been forced to watch or participate in atrocities against another member of the family.
- Women who have experienced sexual violence may avoid forming sexual relationships with men in the future.
- Children born of rape may be stigmatized, neglected, or abandoned by traumatized mothers. If abandoned children are not taken in by the community, there may be a surge in the number of orphans.
- There is additional strain on traditional social roles, patterns of social status, and leadership. There may be disruption in the ability of communities to carry out customary or traditional activities central to people's individual, community, and social identity, ranging from work and recreational activities to cultural rituals. If survivors of rape are rejected from their communities or forced to assume head-of-household positions as a result of displacement or loss of male family members, traditional social, cultural, and economic roles will be disturbed.<sup>149</sup>
- Permanent changes in patterns of productivity, especially patterns of land ownership and use, and shifts from subsistence agriculture to wage labor. Transactional sex and prostitution may become a common means of survival for victims of sexual violence who have been ostracized from their families and communities as well as for other women whose food security is threatened.
- Schisms may appear in a community, as social cohesion and a sense of mutual trust is lost. One danger is that of scapegoating, either of individuals or along traditional divisions in the community, such as religion or ethnicity. Certain groups of survivors, such as survivors of rape or those who remain permanently physically disabled, may be especially vulnerable to stigmatization.<sup>150</sup>

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149 Beverly Raphael, *When Disaster Strikes: How Individuals and Communities Cope with Catastrophe* (New York: Basic Books, 1986).

150 Peter E. Hodgkinson and Michael Stewart, *Coping with Catastrophe: A Handbook of Post-Disaster Psychosocial Aftercare*, 2nd ed. (London: Routledge, 1998).

## 2.1. Displacement and Disconnection

Civilian conflicts lead to large-scale movements of populations, social and economic stresses, the prolonged absence of men, and the dissolution of family units. In many traditional African cultures, social relationships and historical bonds to ancestors and the land are all considered vital to individual well-being. Displacement, defined as the loss of continuity and relatedness to place, results in feelings of aloneness, destitution, abandonment, alienation, and economic insecurity. “Together these engender a loss of social belonging – that that set of emotional responses denoted by an altered sense of identity shared by refugees across space.”<sup>151</sup> The concept of cultural bereavement has been developed to capture the catastrophic loss of traditional ways of life, social structure, cultural values, and self-identity faced by displaced populations.<sup>152</sup>

Severance from the land has drastic implications, particularly in many rural African societies where the land is crucial to economic survival, symbolic of lineage, and sustaining of kinship relations. The loss of kinship relationships may be especially problematic in communities where women have limited or no property rights. This structural remove presents a unique dimension of vulnerability for women and exposes them disproportionately to poverty, insecurity, and its associated risks during crises.

## 2.2. Diminished Sense of Safety and Feelings of Vulnerability

Traumatic events, particularly sexual violence, tend to shatter people’s basic beliefs and assumptions about safety and control.<sup>153</sup> Civilian conflict and displacement result in an insidious sense of insecurity and vulnerability for girls and women. In communities where there is widespread sexual violence, routine tasks such as fetching water and collecting firewood become extremely dangerous due to the threat of rape, abduction, or murder at the hands of rebel groups or soldiers. During civilian conflicts where there has been widespread sexual violence, individuals and, indeed, whole communities experience states of hypervigilance and hyperarousal in response to pervasive feelings of vulnerability.<sup>154</sup>

## 2.3. Community Destabilization

Catastrophes such as war and disaster, inflicting near or total loss of community, have been found to have serious long-lasting psychosocial affects. Collective trauma within a community has been described as “a blow to the tissues of social life that damages the bonds linking people together and impairs the prevailing sense of communality... a gradual realization that the community no longer exists as a source of nurturance and that a part of the self has disappeared.”<sup>155</sup> In times of war, it is the women who hold together families and the community. The trauma resulting from sexual violence may impair the ability of women to serve this function.

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151 Mindy Thompson Fullilove, “Psychiatric Implications of Displacement: Contributions from the Psychology of Place,” *American Journal of Psychiatry* 153 (1996): 1518.

152 Maurice Eisenbruch, “From Post-Traumatic Stress Disorder to Cultural Bereavement: Diagnosis of Southeast Asian Refugees,” *Social Science and Medicine* 33 (1991): 673-80.

153 Ronnie Janoff-Bulman, *Shattered Assumptions: Towards a New Psychology of Trauma* (New York: Free Press, 1992).

154 Emma Dunmore, David M. Clark, and Anke Ehlers, “Cognitive Factors Involved in the Onset and Maintenance of Posttraumatic Stress Disorder (PTSD) After Physical or Sexual Assault,” *Behaviour Research and Therapy* 37 (1999): 809-29; Edna B. Foa, Anke Ehlers, David M. Clark, David F. Tolin, and Susan M. Orsillo, “The Posttraumatic Cognitions Inventory (PTCI): Development and Validation,” *Psychological Assessment* 11 (1999): 303-14.

155 Kai T. Erikson, “Loss of Communality at Buffalo Creek,” *Am J Psychiatry* 133 (1975): 302.

Moreover, the psychological effect of mass rape on the community concerned may lead to the devaluation and dissolution of the entire community.<sup>156</sup> The destruction of women and/or their integrity through sexual violence affects overall cultural cohesion. Because societies derive their specific form, their self-image, and their definition of reality from cultural cohesion, its destruction is of outstanding importance.<sup>157</sup>

#### **2.4. Damage to Relational Life**

The trauma of rape is tied to both the violation of the body-self and the violation of the social body.<sup>158</sup> Traumatized people “feel abandoned, completely alone and cast out from the human systems of care and protection that sustain life.”<sup>159</sup> Following trauma, a sense of alienation, of disconnection, pervades every relationship, from the most intimate familial bonds to the most abstract affiliations of community and culture.<sup>160</sup> The traumatic event thus annihilates the belief that one can be oneself in relation to others.<sup>161</sup> This feature of rape trauma has particular resonance in the context of war and displacement. During this period of social chaos, the rape survivor may face a profound loss of identity and social orientation.<sup>162</sup> Such damage to the axis that connects individuals to their communities critically threatens the very essence of what it means to be human.

#### **2.5. Increase in Household and Family Responsibility**

Conflicts profoundly affect family relationships and structures, often increasing women’s household responsibilities in response to crisis and instability. The number of households headed by single women often increases during conflict as men are disabled, imprisoned, killed, or away fighting.<sup>163</sup> This transforms the traditional division of labor between men and women, with women assuming previously male roles and, in situations of displacement, assuming responsibilities that are typically managed by broader kinship relationships.<sup>164</sup> Conflict and forced displacement also increases the number of orphans and separated children who will require care. The burden of this activity falls mainly on neighbors or extended family members – typically women. A parallel problem is the blurring of generational distinctions in roles and responsibilities, such as the loss of childhood, and the loss of parental authority when children have to fend on their own or when parents recognize their inability to protect their children from hardship and the terror of war.<sup>165</sup> In addition, in communities where sexual attacks occur in the home or fields, women are often forced to choose between the survival of their families and the risk of rape.

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156 Ruth Seifert, “War and Rape: A Preliminary Analysis,” in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, ed. Alexandra Stiglmayer, 54-72 (Lincoln, NE: Nebraska University Press, 1993).

157 Nordstrom, “Women and War,” 1-15.

158 Tina Sideris, “Women, War and Survival - Cultural and Social Factors” (paper prepared for the 3rd Human Resources Development Partnership Workshop of the Rehabilitation and Research Centre for Torture Victims, Dhaka, Bangladesh, 2000).

159 Herman, *Trauma and Recovery*, at 52.

160 Ibid.

161 Ibid., 86.

162 Mardi Jon Horowitz, *Stress Response Syndromes: PTSD, Grief, and Adjustment Disorders* (Noryhvale, NJ: Jason Aronson, 1986).

163 Meredith Turshen and Clotilde Twagiramariya, eds., *What Women do in Wartime: Gender and Conflict in Africa* (London: Zed Books, 1998), 20.

164 Krishna Kumar, *Women and Civil War: Impact, Organizations and Action* (London: Lynne Reiner Publishers, 2001), 15.

165 Chriss, “Understanding and Responding to War-Related Sexual Violence,” 13.

## **2.6. Disturbance of Life Trajectory**

War-related sexual violence profoundly affects the life trajectory of the survivor, her sense of identity, health status, primary relationships, social bonds, and economic security. Communities may reject women who have been raped and deprive them of their social standing. The social consequences of sexual violence can range from rejection by the spouse and immediate family members to stigmatization or ostracism by the community, further sexual exploitation, and/or severe punishment. They can also include deprivation of education, employment, and other types of assistance and protection. Rape affects women's eligibility to marry or remain married and, consequently, their ability to provide for themselves and their children. One of the most devastating implications of rape is the rejection of women and, consequently, the loss of access to an agricultural livelihood in rural societies.

## **APPENDIX III: BARRIERS TO DOMESTIC JUSTICE**

Prosecuting rape is critical for securing and stating the truth about these atrocities, for the widespread and public acknowledgment of what has happened, for removing dangerous criminals from continued acts of violence and intimidation, for punishing the perpetrators and inhibiting acts of revenge, for prevention of future acts in other conflicts and in this one, and for obtaining for the victims a sense of justice being done.

There are numerous barriers to the pursuit of justice by rape victims in Darfur and Chad that cast considerable doubt on the viability of obtaining justice through domestic institutions. Dennis McNamara, special adviser on displacement to the UN Emergency Relief Coordinator Jan Egeland and director of the Inter-Agency Internal Displacement Division of the UN Office for the Coordination of Humanitarian Affairs (OCHA) recently characterized the overall response to sexual crimes as ineffective, noting that the perpetrators acted with impunity. He stated, “There has been no serious attempt to prosecute.”<sup>166</sup>

### **1. SOCIETAL BARRIERS**

As discussed in Appendix I, there are strong social barriers to the reporting of rapes in Darfurian culture. Not only does the sense of shame felt by many victims preclude them from wanting to talk about the incident but the stigma traditionally attached to rape serves as a disincentive to speaking out about the incident, particularly to male police officers.

### **2. LEGAL BARRIERS**

Until recently, there was a Sudanese law requiring rape victims to report the attack to the police and obtain a document to provide to a physician before receiving clinical care. While this was essentially a barrier to obtaining medical care, it is indicative of the official treatment of rape in Sudan. While a decree was issued at the end of August lifting the procedural requirements for rape victims seeking medical treatments, the effect on the culture of obtaining medical care as well as justice remains to be seen.

We have also heard reports of a legal requirement being enforced in Nyala – and possibly elsewhere – that two witnesses be present for the filing of a rape report.<sup>167</sup> Regardless of whether this is an actual law or merely a constructed barrier, its enforcement and word of its enforcement certainly would pose a significant barrier to the filing of rape reports and prosecution of perpetrators. Even assuming that there were witnesses to a rape, it would be a formidable task in the current political climate to expect a rape victim not only to come forward herself, but also to convince two witnesses to step forward as well.

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166 “Major Protection crisis’ in Darfur - UN mission,” *IRIN news service*, Aug. 30, 2004.

167 Conversation with U.S. government official, Oct. 12, 2004.

### 3. POLITICAL BARRIERS

The Government of Sudan has been steadfast in its denial of the widespread occurrence of rapes by the *Janjaweed* and/or Sudanese military in Darfur.<sup>168</sup> Interlocutors working with humanitarian aid agencies in Darfur informed us of direct statements by lower-ranking government officials suggesting that the reports of rapes are fabricated.<sup>169</sup> There is a perceived political climate in which local administrators, including non-Arab officials, feel enormous pressure not to make formal complaints of rapes and are, in fact, bribed with goods not to do so. We have heard many reports of women who attempt to file reports being turned away – and being lectured to or snubbed in the process. As a result, many rape victims, who are already reluctant to speak publicly about the rapes, do not take the chance because of the perceived futility in doing so.

One woman reported to us that she knows of a woman who was told, “This is shameful. How can you come here and talk about getting screwed?” (IDP, Sept. 22, 2004)

People are also very concerned about the possible risk involved in reporting rapes publicly, either to local officials or to visiting international dignitaries. Darfurians who have spoken freely to visiting international officials have faced subsequent persecution. There are many press reports about such

Another woman who went to the local police was sent away and told to go to the “foreigners” instead. (Interview with humanitarian worker, Sept. 27, 2004.)

situations. An informant who works with a humanitarian agency in Darfur relayed to us the story of a man who talked about the attacks and rapes with the visiting British Under-Secretary for Africa and was subsequently harassed by the national security forces and then arrested.<sup>170</sup>

It should be noted that the GOS created rape claims investigations committees in July to investigate rape accusations and help victims through criminal cases.<sup>171</sup> The committees are composed of female judges, police officers, and legal consultants. The committees submitted their reports to the Minister of Justice in September, however, and there were apparently no reports of rape or any charges.<sup>172</sup> On the other hand, an investigation conducted by the Director of Reproductive Health at the Sudanese Ministry of Health has apparently revealed instances of rape, although neither the report nor the findings have been released.<sup>173</sup>

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168 UN High Commissioner for Human Rights Louise Arbour has recently stated, “There is an obvious disconnect in the way the Government sees the situation. This is most obvious and worrisome in the official denial of the extent and gravity of rape and sexual violence against women in Darfur.” United Nations, “High Commissioner for Human Rights Says Displaced People in Darfur are Living in ‘Prisons Without Walls,’” press release, Sept. 27, 2004.

169 Interview with humanitarian worker, Sept. 27, 2004.

170 Interview, Sept. 27, 2004. The man was released from prison the same evening.

171 Associated Press, “Sudan’s Government Forms Committees to Investigate Rape in Darfur,” July 17, 2004.

172 “No Rape Reports – Minister of Justice,” *Sudan Vision*, Sept. 16, 2004, <http://www.sudanvisiondaily.com/modules.php?name=News&file=article&sid=3207>.

173 Interview with doctor working for UN agency, Oct. 7, 2004.

#### **APPENDIX IV: SUGGESTIONS FOR PRODUCTIVE ACTIVITIES AND SHORT-TERM EMPLOYMENT OPPORTUNITIES**

There are several projects for which the U.S. government and the groups it funds could utilize local labor, such as the creation of clean delivery kits for pregnant women,<sup>174</sup> and the construction shelters, schools, etc. A medical professional working at a medical clinic in an IDP camp spoke of the urgent need for soap in the camp where she works and the ease with which a soap-making operation could be established.<sup>175</sup> This same person also mentioned bakeries and basket-weaving as projects that would be possible and appropriate in the camps. We recommend that the U.S. government immediately support NGOs – both international and local – in setting up such projects. The projects should be open to all women but, through very discrete communications with the health personnel working in the camps, the inclusion of known rape victims should be a priority.

Handicraft and other income-generating projects – even when the international community must supply the materials – can be constructed to include group therapy. Examples include knitting projects in Bosnia and a paper bead necklace project targeted toward Ugandan women with HIV/AIDS. In Bosnia, in the most extensive mental health program created to date in a refugee situation, international IRC staff provided training in group therapy to local people with some mental health experience, which the local staff then employed in the context of both handicraft and income-generating projects. Using this project as a model, the U.S. government should work with one or more NGOs to identify and provide group-therapy training to a few women in each camp, who can then initiate handicraft and/or income-generating projects.

Such projects can also have an educational component. We understand that an El Fasher-based Darfurian group called the Umalkream Charitable Foundation is developing two income-generating projects: 1) making handicrafts such as dish covers and food containers made of palm leaves, and 2) drying fruit. In conjunction with the projects, the organization provides reproductive health education and protection education to women.<sup>176</sup> There is also a group operating at the all-women's Afhad University in Khartoum that is run by a professor of psychology and early childhood education; under this project, women from Afhad University are deployed to Darfur to help women start economic development and reproductive health projects.<sup>177</sup>

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174 Women's Commission for Refugee Women and Children, *Lifesaving Reproductive Health Care in Chad: Ignored and Neglected* (August 2004), 4 and 24.

175 Interview, Oct. 14, 2004.

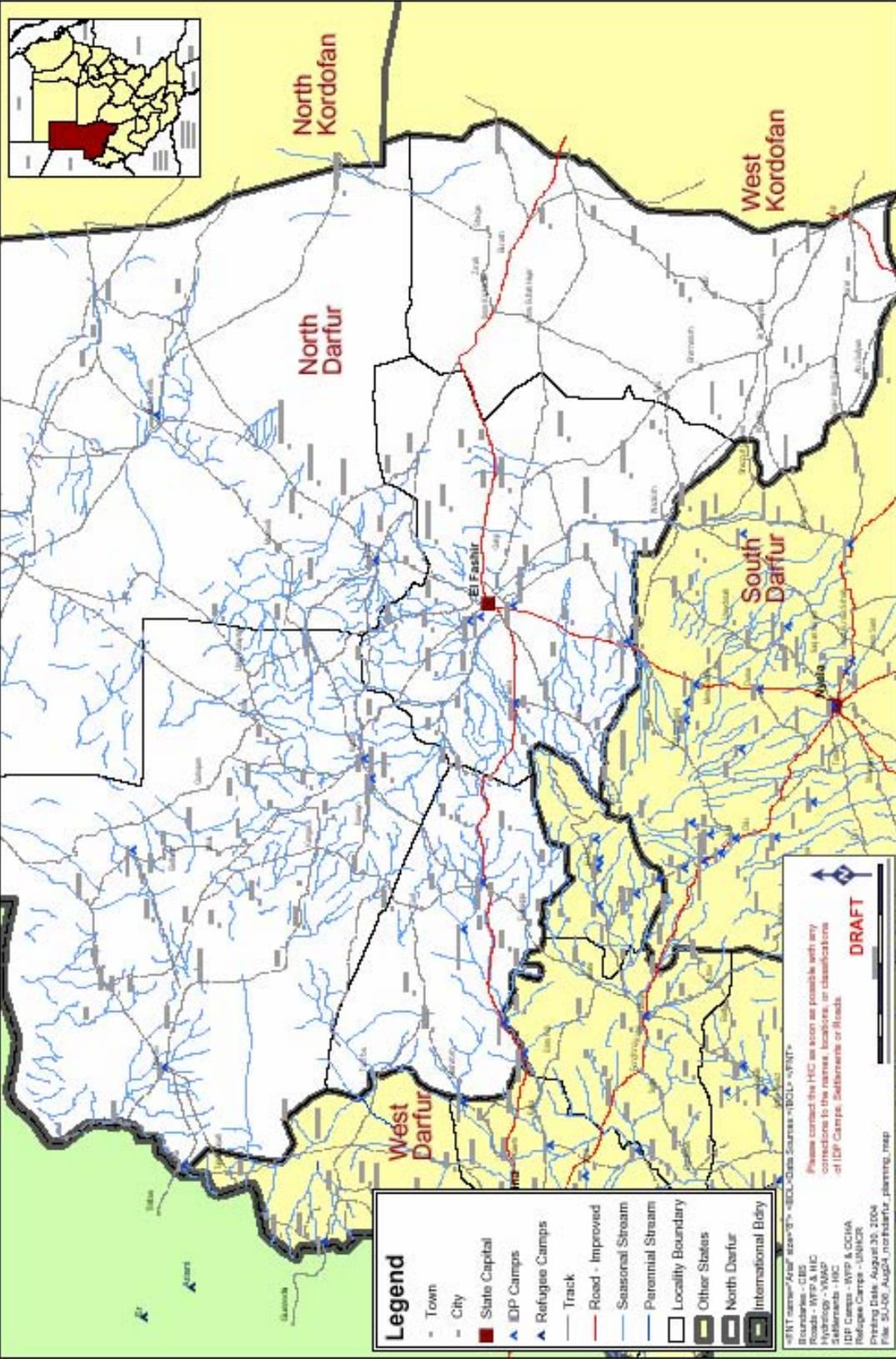
176 Interview with representative of humanitarian organization, Oct. 14, 2004.

177 Ibid.



# North Darfur Planning Map

HIC Darfur  
 Main Office: Khartoum, Sudan  
 hcs:darfur@hig.org



- Legend**
- Town
  - City
  - State Capital
  - ▲ IDP Camps
  - ▲ Refugee Camps
  - Track
  - Road - Improved
  - Seasonal Stream
  - Perennial Stream
  - Locality Boundary
  - Other States
  - North Darfur
  - International Bkly

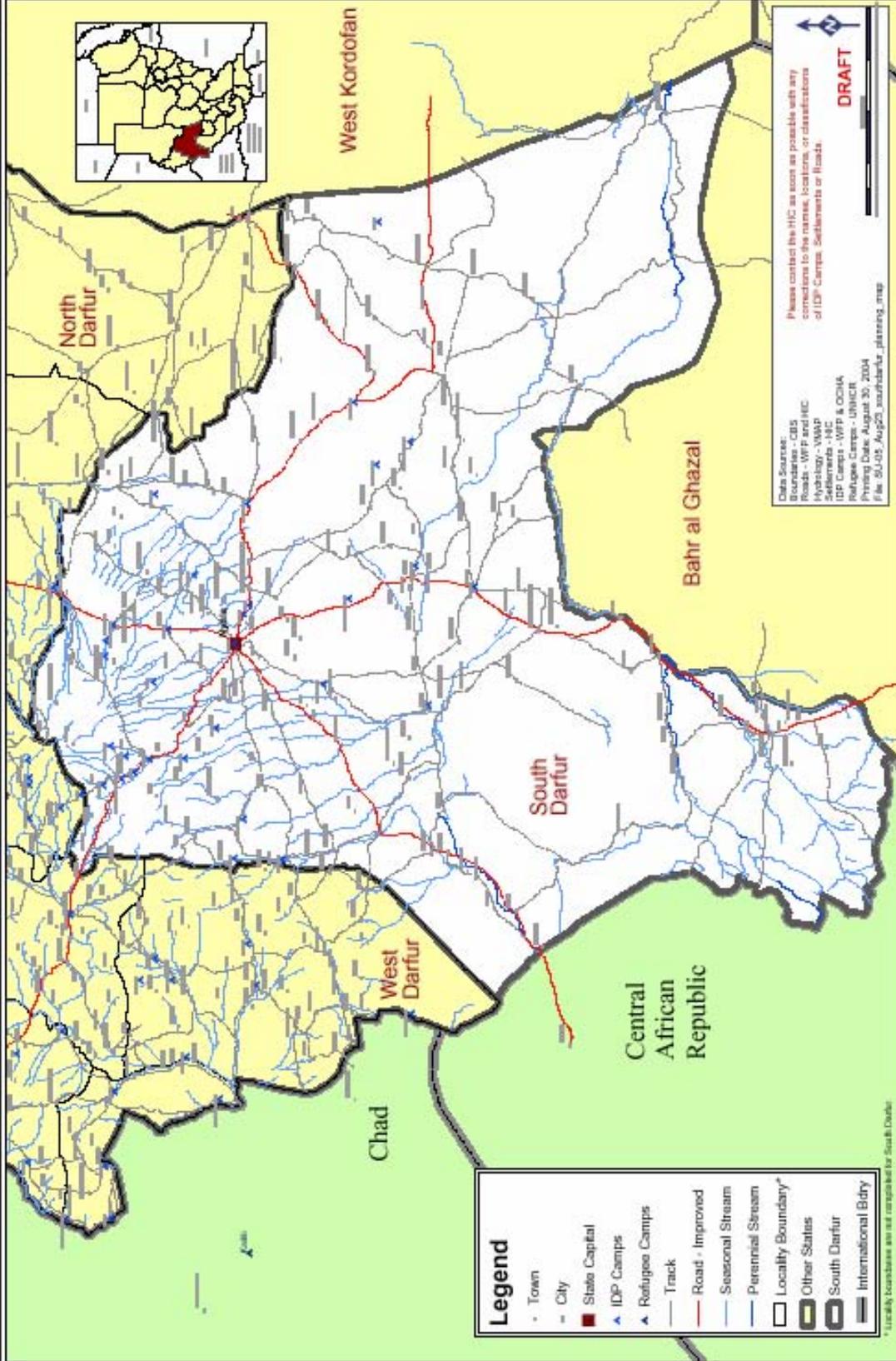
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 North Arrow  
**DRAFT**

Please correct the HIC as soon as possible with any corrections to the names, locations, or classifications of IDP Camps, Settlements or Roads.

File: 03-100\_Aug04\_northdarfur\_planning\_map

# South Darfur Planning Map

HIC Darfur  
 HIC Sudan  
 hie@hcr.org



Data Sources:  
 Boundaries - CBS  
 Roads - WFP and HIC  
 Hydrology - WMAP  
 Settlements - HIC  
 IDP Camps - WFP & OCHA  
 Refugee Camps - WFP & OCHA  
 Planning Date: August 30, 2004  
 File: 5/1/05\_Aug20\_southdarfur\_planning\_map

Please contact the HIC as soon as possible with any corrections to the names, locations, or classifications of IDP Camps, Settlements or Roads.

**DRAFT**

- Legend**
- Town
  - City
  - State Capital
  - ▲ IDP Camps
  - ▲ Refugee Camps
  - Track
  - Road - Improved
  - Seasonal Stream
  - Perennial Stream
  - Locality Boundary\*
  - ◻ Other States
  - ◻ South Darfur
  - International Boundary

\* Locality boundaries are not completed for South Darfur



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

